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Agenda item 67

Elimination of racism, racial discrimination, xenophobia and related intolerance

Report of the Third Committee

Rapporteur: Ms. Kadra Ahmed **Hassan** (Djibouti)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session the item entitled:

> "Elimination of racism, racial discrimination, xenophobia and related intolerance:
>
> "(a) Elimination of racism, racial discrimination, xenophobia and related intolerance;
>
> "(b) Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 68, entitled "Right of peoples to self-determination", at its 36th and 37th meetings, on 28 and 31 October 2011, and considered proposals and took action on the item at its 42nd, 43rd, 45th and 50th meetings, on 8, 10, 17 and 22 November 2011. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/66/SR.36, 37, 42, 43, 45 and 50).

3. For its consideration of the item, the Committee had before it the following documents:

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Item 67
Elimination of racism, racial discrimination, xenophobia and related intolerance

Letter dated 15 September 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/66/366-S/2011/584)

Letter dated 25 October 2011 from the Permanent Representative of Azerbaijan to the United Nations addressed to the Secretary-General (A/66/528-S/2011/668)

Item 67 (a)
Elimination of racism, racial discrimination, xenophobia and related intolerance

Report of the Committee on the Elimination of Racial Discrimination on its seventy-eighth and seventy-ninth sessions (A/66/18)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/66/312)

Item 67 (b)
Comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

Report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/66/328)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Human Rights Council on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (A/66/313)

4. At the 36th meeting, on 28 October, the representative of the Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/66/SR.36).

5. At the 37th meeting, on 31 October, the Chair of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination made a presentation and engaged in an interactive dialogue with the representatives of Cuba, Switzerland, South Africa and Pakistan (see A/C.3/66/SR.37).

6. At the same meeting, the Chair of the Working Group on the use of mercenaries delivered a statement on behalf of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (see A/C.3/66/SR.37).

II. Consideration of proposals

A. Draft resolution A/C.3/66/L.60

7. At the 42nd meeting, on 8 November, the representative of the Russian Federation, on behalf of Belarus, Benin, Bolivia (Plurinational State of), Côte d'Ivoire, Cuba, the Democratic People's Republic of Korea, Eritrea, Ethiopia, Gabon, Guinea, India, Iraq, Kazakhstan, Kyrgyzstan, Mauritania, Myanmar, Namibia, Nicaragua, the Niger, Nigeria, the Russian Federation, Seychelles, the Sudan, Tajikistan, Turkmenistan, Uganda, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance" (A/C.3/66/L.60). Subsequently, Cape Verde, Iran (Islamic Republic of), Lebanon, Rwanda, Sri Lanka, the Syrian Arab Republic and the United Republic of Tanzania joined in sponsoring the draft resolution.

8. At its 45th meeting, on 17 November, the Committee adopted draft resolution A/C.3/66/L.60 by a recorded vote of 120 to 22, with 31 abstentions (see para. 17, draft resolution I). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Israel, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Serbia, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Syrian Arab Republic, Tajikistan, Thailand, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Belgium, Bulgaria, Canada, Czech Republic, Denmark, Estonia, France, Georgia, Hungary, Ireland, Latvia, Lithuania, Monaco, Netherlands, Poland, Romania, Slovakia, Spain, Sweden, United Kingdom of Great Britain and Northern Ireland, United States of America.

Abstaining:

Andorra, Australia, Austria, Bosnia and Herzegovina, Croatia, Cyprus, Fiji, Finland, Germany, Greece, Iceland, Italy, Japan, Liechtenstein, Luxembourg, Malta, Montenegro, New Zealand, Norway, Panama, Papua New Guinea, Portugal, Republic of Korea, Republic of Moldova, Samoa, San Marino, Slovenia, Switzerland, the former Yugoslav Republic of Macedonia, Ukraine, Vanuatu.

9. Statements were made before the vote by the representatives of Poland (on behalf of the European Union and associated countries) and the United States of America; a statement was made after the vote by the representative of Jamaica (see A/C.3/66/SR.45).

B. Draft resolutions A/C.3/66/L.68 and Rev.1

10. At the 43rd meeting, on 10 November, the representative of Argentina, on behalf of the Group of 77 and China, introduced a draft resolution entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action" (A/C.3/66/L.68), which read:

"*The General Assembly*,

"*Recalling* its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

"*Recalling also* its resolution 64/148 of 18 December 2009, in which it, inter alia, called for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, which represents an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, including by mobilizing political will at the national, regional and international levels, with a view to achieving concrete results,

"*Taking note* of Human Rights Council decision 3/103 of 8 December 2006, by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards, and encouraging the Committee to continue making progress in the discharge of its mandate,

"*Recalling* its resolution 65/240, in which it called for the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and its aim of mobilizing political will at the national, regional and international levels,

"*Bearing in mind* the responsibility and obligations of the Human Rights Council emanating from the outcome of the Durban Review Conference,

"*Reiterating* that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

"*Convinced* that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

"*Underlining* the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

"*Alarmed* at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

"*Underlining* the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

"*Recognizing* that individuals belonging to vulnerable groups, such as migrants, refugees, asylum-seekers and persons belonging to national or ethnic, religious and linguistic minorities, continue to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups,

"*Acknowledging* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference,

"*Expressing* grave concern at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, in particular key paragraphs 157 to 159 of the Programme of Action,

"*Welcoming* the continued commitment of the United Nations High Commissioner for Human Rights to profiling and increasing the visibility of

the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

"*Welcoming also* the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions, held from 5 to 16 October 2009 and from 11 to 22 October 2010, respectively, in particular the recommendation on the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, and welcoming the adoption by the Human Rights Council of the conclusions and recommendations of the Working Group,

"*Welcoming further* the progress made during the third session of the Ad Hoc Committee on the Elaboration of Complementary Standards, held in Geneva from 11 to 21 April 2011, and looking forward to the convening of the fourth session, to be held in Geneva during 2012,

"*Recognizing* the potential of sport as a universal language contributing to the education of people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

"*Welcoming* the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and Brazil, respectively, and stressing the importance of making continuing use of those events to promote understanding, tolerance and peace and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

"I
"General principles

"1. *Recognizes and affirms* that a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of concern for the international community;

"2. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

"3. *Expresses its profound concern about and its unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

"4. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to and effective implementation of the Durban Declaration and Programme of Action;

"5. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related

intolerance, and urges States to adopt measures to address those scourges vigorously with a view to preventing their practice and protecting victims;

"6. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, incitement to such hatred, racial profiling and the propagation of racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

"7. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

"8. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

"9. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion, political or other opinion, social origin, property and birth;

"10. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law;

"11. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

"12. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

"13. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communications technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

"14. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

"15. *Stresses* the responsibility of States to mainstream a gender perspective into the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

"II
"International Convention on the Elimination of All Forms of Racial Discrimination

"16. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

"17. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action, and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

"18. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest possible time;

"19. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

"20. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

"21. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights and article 5 of the Convention;

"22. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

"23. *Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

"24. *Calls upon* Member States to do their utmost to ensure that their responses to the current financial and economic crisis do not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants and persons belonging to national, ethnic, religious and linguistic minorities all over the world;

"25. *Calls upon* States parties to fully implement legislation and other measures already in place to ensure that people of African descent are not discriminated against and that deprivation of citizenship on the basis of race or descent is a breach of States Parties' obligations to ensure non-discriminatory enjoyment of the right to nationality for people of African descent, and underlines in this regard the importance of supporting the programme of activities for the International Year for People of African Descent adopted by the General Assembly at its sixty-fifth session;

"III

"Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

"26. *Takes note* of the reports of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and encourages Member States and other relevant stakeholders to consider implementing the recommendations contained therein;

"27. *Also takes note* of the work done by the Special Rapporteur, and welcomes Human Rights Council resolution 16/33 of 25 March 2011, by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

"28. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

"29. *Reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

"30. *Emphasizes* the obligations of States under international law to exercise due diligence to prevent crimes against migrants perpetrated with racist or xenophobic motivations, to investigate such crimes and to punish the perpetrators, and that not doing so violates, and impairs or nullifies the

enjoyment of, the human rights and fundamental freedoms of victims, and urges States to reinforce measures in this regard;

"31. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

"32. *Encourages* closer collaboration between the Special Rapporteur and the Office of the United Nations High Commissioner for Human Rights, in particular the Anti-Discrimination Unit;

"33. *Requests* the High Commissioner to continue to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

"34. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to enable him to carry out his mandate efficiently, effectively and expeditiously and to submit a report to the General Assembly at its sixty-seventh session;

"35. *Requests* the Special Rapporteur, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights;

"36. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

"37. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination, xenophobia and related intolerance and to promote cultural, ethnic and religious diversity, and in that regard emphasizes the crucial role of education, including human rights education, training and learning, and a variety of awareness-raising measures which contribute to the creation of tolerant societies in which mutual understanding may be ensured;

"38. *Also recommends* that all States give due attention to and closely monitor the way in which the concept of national identity is debated within their societies, with a view to preventing it from being used as a tool to create artificial differences among some groups of the population;

"39. *Expresses concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and a threat to social cohesion, and in this context notes the numerous human rights challenges in combating racism, racial discrimination, xenophobia and related intolerance;

"40. *Recommends* that States conduct human rights training, including on the challenges of racism, racial discrimination, xenophobia and related intolerance faced by migrants, refugees and asylum-seekers, for law

enforcement officials, especially immigration officials and border police, so that they may act in conformity with international human rights law;

"41. *Also recommends* that States collect disaggregated data in order to design appropriate anti-racial discrimination legislation and policies and monitor their effectiveness, while abiding by some key principles, including self-identification, the right to privacy and guaranteeing the consent of those concerned, in the design and implementation of the exercise;

"IV

"Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the 2009 Durban Review Conference and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (2011)

"42. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action;

"43. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to that end stresses that States have the primary responsibility to ensure the full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference, and in that regard welcomes the steps taken by numerous Governments;

"44. *Welcomes* the successful adoption of the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, as its outcome document, the aim of which is to mobilize political will at the national, regional and international levels;

"45. *Reaffirms* its commitment to the full and effective implementation of the Durban Declaration and Programme of Action, the outcome documents of the Durban Review Conference and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the Durban Declaration and Programme of Action, and their follow-up processes, at all levels;

"46. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001;

"47. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

"48. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

"49. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action, including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990;

"50. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action;

"51. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in helping States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

"52. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice, eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;

"53. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

"54. *Also acknowledges* that the outcomes of the World Conference, the Durban Review Conference and high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action are on an equal footing with the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

"55. *Invites* Member States, international and regional organizations, civil society, including non-governmental organizations, and other stakeholders to organize and support various high-visibility initiatives, aimed at effectively increasing awareness at all levels, to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

"56. *Requests* the Secretary-General to establish a programme of outreach, with the involvement of Member States and United Nations funds and programmes as well as civil society, including non-governmental

organizations, to appropriately commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

"57. *Emphasizes* the critical importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization;

"58. *Requests* the Department of Public Information to compile and disseminate in a single combined publication the political declaration of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference;

59. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination;

"60. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

"61. *Also welcomes* the work of the mechanisms mandated to follow up on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Durban Review Conference and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

"62. *Calls upon* the Human Rights Council to ensure that, upon the consideration and adoption of the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the recommendations are brought to the attention of the relevant United Nations agencies for adoption and implementation within their respective mandates;

"63. *Endorses* the recommendation of the Working Group of Experts on People of African Descent, at its tenth session, concerning the proclamation of a decade for people of African descent, and decides that the Decade for People of African Descent will begin in 2012;

"64. *Requests* the Working Group on People of African Descent, at its next session, to develop a programme of action for the Decade of People of African Descent which will be launched in December 2012, to be adopted by the Human Rights Council and transmitted by the Council to the General Assembly at its sixty-seventh session for endorsement;

"65. *Encourages* the Office of the United Nations High Commissioner for Human Rights to continue mainstreaming the implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference in the whole United Nations system, and, in accordance with paragraphs 136 and 137 of the outcome document, which call

for the establishment of an inter-agency task force, to update the Human Rights Council in this regard;

"66. *Acknowledges* the centrality of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and to this end emphasizes the importance of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

"67. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

"68. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

"69. *Expresses serious concern* at recent incidents of racism at sporting events targeting, in particular, Africans and people of African descent, and recalls the need to reverse this legacy of racism;

"70. *Expresses its appreciation*, in this context, to the International Federation of Association Football for the initiative to introduce a visible theme on non-racism in football, and invites the Federation to continue this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

"71. *Calls upon* States to take advantage of mass sporting events as valuable outreach platforms to mobilize people and convey crucial messages about equality and non-discrimination;

"72. *Acknowledges* the guidance and leadership role of the Human Rights Council, and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action and the outcomes of the Durban Review Conference and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action;

"73. *Requests* the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the support necessary for it to achieve its objectives in this regard;

"V

"Follow-up activities

"74. *Strongly recommends* that future meetings of the Human Rights Council focusing on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action be scheduled in a manner that allows broad participation and avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

"75. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the implementation of the present resolution, with recommendations;

"76. *Decides* to remain seized of this important matter at its sixty-seventh session under the item entitled 'Elimination of racism, racial discrimination, xenophobia and related intolerance'."

11. At its 50th meeting, on 22 November, the Committee had before it a revised draft resolution (A/C.3/66/L.68/Rev.1) submitted by the sponsors of draft resolution A/C.3/66/L.68 and the Russian Federation.

12. At the same meeting, the representative of Argentina orally revised the text of the draft resolution as follows:

(a) At the end of the third preambular paragraph, the words "and encouraging the Committee to continue making progress in the discharge of its mandate" were deleted;

(b) In the fourth preambular paragraph, the word "obligations" was replaced by the word "commitments";

(c) In the twelfth preambular paragraph, the words "realization of commitments" were replaced by the words "realization of the primary objectives and commitments";

(d) At the beginning of the fifteenth preambular paragraph, the words "*Welcoming also*" were replaced by the word "*Noting*";

(e) At the beginning of the sixteenth preambular paragraph, the words "*Welcoming further*" were replaced by the words "*Noting also*";

(f) At the beginning of the seventeenth preambular paragraph, the word "*Welcoming*" was replaced by the words "*Noting further*";

(g) At the end of operative paragraph 4, the words "in this regard" were added;

(h) In operative paragraph 10, the words "or belief" were inserted after the word "religion";

(i) At the end of operative paragraph 11, the following words were added: "and also reaffirms that the dissemination of ideas based on racial superiority, hatred or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the

international obligations of States, and that those prohibitions are consistent with freedom of opinion and expression";

(j) In operative paragraph 24, the words "*Welcomes* the emphasis placed by the Committee on the importance of follow-up to the World Conference" were replaced by the words "*Welcomes* the work of the Committee in combating racism, racial discrimination, xenophobia and related intolerance in the follow-up to the World Conference";

(k) In operative paragraph 39, the words "cultural and religious" were inserted after the word "national";

(l) At the end of operative paragraph 42, the words "those concerned in the design and implementation of the exercise" were replaced by the words "those individuals concerned, and the involvement of all groups of individuals concerned, in the design and implementation of the exercise";

(m) In the title of section IV, the words "high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (2011)" were replaced by the words "commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (2011)";

(n) At the end of operative paragraphs 43 and 45, the words "in combating racism, racial discrimination, xenophobia and related intolerance" were added;

(o) At the end of operative paragraph 49, the words "including the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families of 1990" were deleted;

(p) In operative paragraph 54, the words "are on an equal footing with" were replaced by the words "have the same status as";

(q) Operative paragraph 55, which read:

> "55. *Requests* the Secretary-General to establish a programme of outreach, with the involvement of Member States and United Nations funds and programmes as well as civil society, including non-governmental organizations, to appropriately commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action",

was deleted and the subsequent paragraphs were renumbered accordingly;

(r) Operative paragraph 59 (former paragraph 60), which read:

> "59. *Also welcomes* the work of the mechanisms mandated to follow up on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the Durban Review Conference and the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action",

was revised to read:

> "59. *Takes note* of the work of the mechanisms mandated to follow up on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference, and underlines the importance of improving their effectiveness";

(s) Former operative paragraphs 62 and 63, which read:

"*Endorses* the recommendation of the Working Group of Experts on People of African Descent, at its tenth session, concerning the proclamation of a decade for people of African descent, and decides that the Decade for People of African Descent will begin in 2012;

"*Requests* the Working Group of Experts on People of African Descent, at its next session, to develop a programme of action for the Decade for People of African Descent which will be launched in December 2012, to be adopted by the Human Rights Council and transmitted by the Council to the General Assembly at its sixty-seventh session for endorsement",

were deleted and the subsequent paragraphs renumbered accordingly;

(t) A new operative paragraph 61 was inserted, reading:

"61. *Encourages* the Working Group of Experts on People of African Descent, further to the recommendation of the Working Group at its tenth session on the proclamation of a Decade for People of African Descent, to develop a programme of action, including a theme, for adoption by the Human Rights Council, with a view to proclaiming the decade starting in 2013 as the Decade for People of African Descent";

(u) In operative paragraph 63 (former paragraph 65), the words "emphasizes the importance of the mandate" were replaced by the words "takes note of the mandate";

(v) Operative paragraph 66 (former paragraph 68), which read:

"66. *Expresses serious concern* at recent incidents of racism at sporting events targeting, in particular, Africans and people of African descent, and recalls the need to reverse this legacy",

was replaced by:

"66. *Expresses serious concern* at past and recent incidents of racism in sports and at sporting events and, in this context, welcomes efforts of sports governing bodies to combat racism, including by pursuing anti-racism initiatives and by developing and applying disciplinary codes that impose sanctions for racist acts";

(w) At the end of operative paragraph 69 (former paragraph 71), the words "in this regard" were replaced by the words "in combating racism, racial discrimination, xenophobia and related intolerance";

(x) At the beginning of operative paragraph 70 (former paragraph 72), the words "*Strongly recommends*" were replaced by the words "*Reiterates its recommendation*".

13. The representative of Israel made a statement and requested a recorded vote on the draft resolution (see A/C.3/66/SR.50).

14. Also at its 50th meeting, the Committee adopted draft resolution A/C.3/66/L.68/Rev.1 (see para. 17, draft resolution II) as orally revised, by a recorded vote of 126 to 5, with 43 abstentions. The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Fiji, Gabon, Gambia, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mexico, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Singapore, Solomon Islands, Somalia, South Africa, Sri Lanka, Sudan, Suriname, Swaziland, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Vanuatu, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Australia, Canada, Israel, Marshall Islands, United States of America.

Abstaining:

Albania, Andorra, Armenia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Ireland, Italy, Japan, Latvia, Lithuania, Luxembourg, Malta, Monaco, Montenegro, Netherlands, New Zealand, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Ukraine, United Kingdom of Great Britain and Northern Ireland.

15. Statements were made before the vote by the representatives of the United States of America, Poland (on behalf of the European Union), Switzerland (also on behalf of Iceland, Liechtenstein and Norway) and Portugal; statements were made after the vote by the representatives of Mexico and Ecuador (see A/C.3/66/SR.50).

C. Draft decision proposed by the Chair

16. At its 50th meeting, on 22 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the report of the Committee on the Elimination of Racial Discrimination on its seventy-eighth and seventy-ninth sessions (A/66/18) and the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action (A/66/328) (see para. 18).

III. Recommendations of the Third Committee

17. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Inadmissibility of certain practices that contribute to fuelling contemporary forms of racism, racial discrimination, xenophobia and related intolerance

The General Assembly,

Guided by the Charter of the United Nations, the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights,[2] the International Convention on the Elimination of All Forms of Racial Discrimination[3] and other relevant human rights instruments,

Recalling the provisions of Commission on Human Rights resolutions 2004/16 of 16 April 2004[4] and 2005/5 of 14 April 2005[5] and relevant Human Rights Council resolutions, in particular resolutions 7/34 of 28 March 2008,[6] and 18/15 of 29 September 2011,[7] as well as General Assembly resolutions 60/143 of 16 December 2005, 61/147 of 19 December 2006, 62/142 of 18 December 2007, 63/162 of 18 December 2008, 64/147 of 18 December 2009 and 65/199 of 21 December 2010 on this issue and resolutions 61/149 of 19 December 2006, 62/220 of 22 December 2007, 63/242 of 24 December 2008, 64/148 of 18 December 2009 and 65/240 of 24 December 2010, entitled "Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action",

Recalling also the Charter of the Nuremberg Tribunal and the Judgement of the Tribunal, which recognized, inter alia, the SS organization and all its integral parts, including the Waffen SS, as criminal and declared it responsible for many war crimes and crimes against humanity,

Recalling further the relevant provisions of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance on 8 September 2001,[8] in particular paragraph 2 of the Declaration and paragraph 86 of the Programme of

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[1] Resolution 217 A (III).

[2] See resolution 2200 A (XXI), annex.

[3] United Nations, *Treaty Series*, vol. 660, No. 9464.

[4] See *Official Records of the Economic and Social Council, 2004, Supplement No. 3* (E/2004/23), chap. II, sect. A.

[5] Ibid., *2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[6] See *Official Records of the General Assembly, Sixty-third Session, Supplement No. 53* (A/63/53), chap. II.

[7] Ibid., *Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1 and Corr.1), chap. II.

[8] See A/CONF.189/12 and Corr.1, chap. I.

Action, as well as the relevant provisions of the outcome document of the Durban Review Conference, of 24 April 2009,[9] in particular paragraphs 11 and 54,

Alarmed, in this regard, at the spread in many parts of the world of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as similar extremist ideological movements,

Recalling that in 2010 the international community celebrated the sixty-fifth anniversary of victory in the Second World War, and welcoming in this regard the special solemn meeting of the sixty-fourth session of the General Assembly, held on 6 May 2010,

Recalling also that the sixty-sixth session of the General Assembly coincides with the sixty-fifth anniversary of the Judgement of the Nuremberg Tribunal,

Taking note of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance,[10] submitted to the Human Rights Council in accordance with the request contained in General Assembly resolution 65/199,

1. *Reaffirms* the relevant provisions of the Durban Declaration[8] and of the outcome document of the Durban Review Conference,[9] in which States condemned the persistence and resurgence of neo-Nazism, neo-Fascism and violent nationalist ideologies based on racial and national prejudice and stated that those phenomena could never be justified in any instance or in any circumstances;

2. *Takes note with appreciation* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, prepared in accordance with the request contained in General Assembly resolution 65/199;[11]

3. *Expresses its appreciation* to the United Nations High Commissioner for Human Rights for her commitment to maintaining the fight against racism, racial discrimination, xenophobia and related intolerance as one of the priority activities of her Office;

4. *Expresses deep concern* about the glorification of the Nazi movement and former members of the Waffen SS organization, including by erecting monuments and memorials and holding public demonstrations in the name of the glorification of the Nazi past, the Nazi movement and neo-Nazism, as well as by declaring or attempting to declare such members and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement participants in national liberation movements;

5. *Expresses concern* at recurring attempts to desecrate or demolish monuments erected in remembrance of those who fought against Nazism during the Second World War, as well as to unlawfully exhume or remove the remains of such persons, and in this regard urges States to fully comply with their relevant obligations, inter alia, under article 34 of Additional Protocol I to the Geneva Conventions of 1949;[12]

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[9] See A/CONF.211/8, chap. I.

[10] A/HRC/18/44.

[11] See A/66/312.

[12] United Nations, *Treaty Series*, vol. 1125, No. 17512.

6. *Notes with concern* the increase in the number of racist incidents in several countries and the rise of skinhead groups, which have been responsible for many of these incidents, as well as the resurgence of racist and xenophobic violence targeting members of national, ethnic, religious or linguistic minorities, as observed by the Special Rapporteur in his latest report to the General Assembly;

7. *Reaffirms* that such acts may be qualified to fall within the scope of activities described in article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination[3] and that they may represent a clear and manifest abuse of the rights to freedom of peaceful assembly and of association as well as the rights to freedom of opinion and expression within the meaning of those rights as guaranteed by the Universal Declaration of Human Rights,[1] the International Covenant on Civil and Political Rights[2] and the International Convention on the Elimination of All Forms of Racial Discrimination;

8. *Stresses* that the practices described above do injustice to the memory of the countless victims of crimes against humanity committed in the Second World War, in particular those committed by the SS organization and those who fought against the anti-Hitler coalition and collaborated with the Nazi movement, and poison the minds of young people, and that failure by States to effectively address such practices is incompatible with the obligations of States Members of the United Nations under its Charter and is incompatible with the purposes and principles of the Organization;

9. *Also stresses* that such practices fuel contemporary forms of racism, racial discrimination, xenophobia and related intolerance and contribute to the spread and multiplication of various extremist political parties, movements and groups, including neo-Nazis and skinhead groups, and in this regard calls for increased political and legal vigilance;

10. *Emphasizes* the need to take the measures necessary to put an end to the practices described above, and calls upon States to take more effective measures in accordance with international human rights law to combat those phenomena and the extremist movements, which pose a real threat to democratic values;

11. *Recalls* the recommendation of the Special Rapporteur, made in his latest report to the General Assembly, to introduce into domestic criminal law a provision according to which committing an offence with racist or xenophobic motivations or aims constitutes an aggravating circumstance allowing for enhanced penalties,[13] and encourages those States whose legislation does not contain such provisions to consider that recommendation;

12. *Reaffirms*, in this regard, the particular importance of all forms of education, including human rights education, as a complement to legislative measures, as outlined by the Special Rapporteur;

13. *Emphasizes* the recommendation of the Special Rapporteur regarding the importance of history classes in teaching the dramatic events and human suffering that resulted from the ideologies of Nazism and Fascism;

14. *Stresses* the importance of other positive measures and initiatives aimed at bringing communities together and providing them with space for genuine

[13] See A/66/312, para. 98.

dialogue, such as round tables, working groups and seminars, including training seminars for State agents and media professionals, as well as awareness-raising activities, especially those initiated by civil society representatives which require continued State support;

15. *Underlines* the potentially positive role that relevant United Nations entities and programmes, in particular the United Nations Educational, Scientific and Cultural Organization, can play in the aforementioned areas;

16. *Reaffirms* that, according to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination, States parties to that instrument are under the obligation:

(a) To condemn all propaganda and all organizations that are based on ideas of racial superiority or that attempt to justify or promote racial hatred and discrimination in any form;

(b) To undertake to adopt immediate and positive measures designed to eradicate all incitement to, or acts of, such discrimination, with due regard to the principles embodied in the Universal Declaration of Human Rights and the rights expressly set forth in article 5 of the Convention;

(c) To declare as an offence punishable by law all dissemination of ideas based on racial superiority or hatred, and incitement to racial discrimination, as well as all acts of violence or incitement to such acts against any race or group of persons of another colour or ethnic origin, and also the provision of any assistance to racist activities, including the financing thereof;

(d) To declare illegal and prohibit organizations and organized and all other propaganda activities that promote and incite racial discrimination, and to recognize participation in such organizations or activities as an offence punishable by law;

(e) To prohibit public authorities or public institutions, national or local, from promoting or inciting racial discrimination;

17. *Also reaffirms* that, as underlined in paragraph 13 of the outcome document of the Durban Review Conference, any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence should be prohibited by law, that all dissemination of ideas based on racial superiority or hatred, incitement to racial discrimination and acts of violence or incitement to such acts shall be declared offences punishable by law, in accordance with the international obligations of States, and that these prohibitions are consistent with freedom of opinion and expression;

18. *Expresses concern* about the use of the Internet to propagate racism, racial hatred, xenophobia, racial discrimination and related intolerance, as outlined in the latest report of the Special Rapporteur to the General Assembly, and in this regard calls upon States parties to the International Covenant on Civil and Political Rights to implement fully articles 19 and 20 of the Covenant, which guarantee the right to freedom of expression and set out the limitations thereto;

19. *Underlines*, at the same time, the positive role that the exercise of the right to freedom of opinion and expression, as well as full respect for the freedom to seek, receive and impart information, including through the Internet, can play in combating racism, racial discrimination, xenophobia and related intolerance;

20. *Encourages* those States that have made reservations to article 4 of the International Convention on the Elimination of All Forms of Racial Discrimination to give serious consideration to withdrawing such reservations as a matter of priority, as stressed by the Special Rapporteur in his report to the General Assembly at its sixty-fifth session;[14]

21. *Notes* the importance of strengthening international cooperation at the regional and international levels with the aim of countering all manifestations of racism, racial discrimination, xenophobia and related intolerance, in particular regarding issues raised in the present resolution;

22. *Encourages* States parties to the International Convention on the Elimination of All Forms of Racial Discrimination to ensure that their legislation incorporates the provisions of the Convention, including those of article 4;

23. *Recalls* the request of the Commission on Human Rights, in its resolution 2005/5,[5] that the Special Rapporteur continue to reflect on this issue, make relevant recommendations in his future reports and seek and take into account in this regard the views of Governments and non-governmental organizations;

24. *Requests* the Special Rapporteur to prepare, for submission to the General Assembly at its sixty-seventh session and to the Human Rights Council at its twentieth session, reports on the implementation of the present resolution, in particular regarding paragraphs 4, 5, 7, 8, 13 and 14 thereof, based on the views collected in accordance with the request of the Commission on Human Rights, as recalled by the Assembly in paragraph 23 above;

25. *Expresses its appreciation* to those Governments that have provided information to the Special Rapporteur in the course of the preparation of his report to the General Assembly;

26. *Also expresses its appreciation* to civil society actors that contribute to the fight against racism, racial discrimination, xenophobia and related intolerance in an impartial and unbiased manner;

27. *Stresses* that such information is important for the sharing of experiences and best practices in the fight against extremist political parties, movements and groups, including neo-Nazis and skinhead groups, as well as extremist ideological movements;

28. *Encourages* Governments and non-governmental organizations to cooperate fully with the Special Rapporteur in the exercise of the tasks outlined in paragraph 23 above;

29. *Encourages* Governments, non-governmental organizations and relevant actors to disseminate, as widely as possible, information regarding the contents of and the principles outlined in the present resolution, including through the media, but not limited to it;

30. *Decides* to remain seized of the issue.

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[14] See A/65/323.

Draft resolution II
Global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action

The General Assembly,

Recalling its resolution 52/111 of 12 December 1997, in which it decided to convene the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, and its resolutions 56/266 of 27 March 2002, 57/195 of 18 December 2002, 58/160 of 22 December 2003, 59/177 of 20 December 2004 and 60/144 of 16 December 2005, which guided the comprehensive follow-up to and effective implementation of the World Conference, and in this regard underlining the importance of their full and effective implementation,

Recalling also its resolutions 64/148 of 18 December 2009 and 65/240 of 24 December 2010, in which it, inter alia, called for the commemoration of the tenth anniversary of the Durban Declaration and Programme of Action adopted by the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance,[1] which represented an important opportunity for the international community to reaffirm its commitment to the eradication of racism, racial discrimination, xenophobia and related intolerance, including by mobilizing political will at the national, regional and international levels, with a view to achieving concrete results,

Taking note of Human Rights Council decision 3/103 of 8 December 2006,[2] by which, heeding the decision and instruction of the World Conference, the Council established the Ad Hoc Committee of the Human Rights Council on the Elaboration of Complementary Standards,

Bearing in mind the responsibility and commitments of the Human Rights Council emanating from the outcome of the Durban Review Conference,[3]

Reiterating that all human beings are born free and equal in dignity and rights and have the potential to contribute constructively to the development and well-being of their societies, and that any doctrine of racial superiority is scientifically false, morally condemnable, socially unjust and dangerous and must be rejected, together with theories that attempt to determine the existence of separate human races,

Convinced that racism, racial discrimination, xenophobia and related intolerance manifest themselves in a differentiated manner for women and girls and may be among the factors leading to a deterioration in their living conditions, poverty, violence, multiple forms of discrimination and the limitation or denial of their human rights, and recognizing the need to integrate a gender perspective into relevant policies, strategies and programmes of action against racism, racial

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[1] See A/CONF.189/12 and Corr.1, chap. I.

[2] See *Official Records of the General Assembly, Sixty-second Session, Supplement No. 53* (A/62/53), chap. II, sect. B.

[3] See A/CONF.211/8.

discrimination, xenophobia and related intolerance in order to address multiple forms of discrimination,

Underlining the primacy of political will, international cooperation and adequate funding at the national, regional and international levels needed to address all forms and manifestations of racism, racial discrimination, xenophobia and related intolerance,

Emphasizing, while acknowledging the primary responsibility of States parties to implement their obligations under the International Convention on the Elimination of All Forms of Racial Discrimination,[4] that international cooperation and technical assistance play an important role in assisting countries in the implementation of their obligations under it,

Alarmed at the increase in racist violence and xenophobic ideas in many parts of the world, in political circles, in the sphere of public opinion and in society at large as a result, inter alia, of the resurgent activities of associations established on the basis of racist and xenophobic platforms and charters, and the persistent use of those platforms and charters to promote or incite racist ideologies,

Underlining the importance of urgently eliminating continuing and violent trends involving racism and racial discrimination, and conscious that any form of impunity for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy, tends to encourage the recurrence of such crimes and requires resolute action and cooperation for its eradication,

Recognizing that individuals belonging to vulnerable groups, such as migrants, refugees, asylum-seekers and persons belonging to national or ethnic, religious and linguistic minorities, continue to be the main victims of violence and attacks perpetrated or incited by extremist political parties, movements and groups,

Acknowledging the central role of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of the primary objectives and commitments undertaken at the World Conference,

Expressing grave concern at the lack of progress made in the implementation of the Durban Declaration and Programme of Action, in particular key paragraphs 157 to 159 of the Programme of Action,

Welcoming the continued commitment of the United Nations High Commissioner for Human Rights to prioritizing and increasing the visibility of the struggle against racism, racial discrimination, xenophobia and related intolerance, and recognizing the need for the High Commissioner to make this a cross-cutting issue in the activities and programmes of her Office,

Noting the work of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action at its seventh and eighth sessions, held from 5 to 16 October 2009[5] and from 11 to 22 October 2010,[6] respectively, and welcoming the adoption by the Human Rights Council of the conclusions and recommendations of the Working Group,

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[4] United Nations, *Treaty Series*, vol. 660, No. 9464.

[5] See A/HRC/13/60.

[6] See A/HRC/16/64.

Noting also the progress made during the third session of the Ad Hoc Committee on Complementary Standards, held in Geneva from 11 to 21 April 2011, and noting further the convening of the fourth session to be held in Geneva during 2012,

Noting further the activities undertaken in the context of the International Year for People of African Descent, including the First World Summit of Afro-Descendants, held in La Ceiba, Honduras, in August 2011, and the high-level summit for people of African descent held in Salvador, Brazil, in November 2011 to mark the tenth anniversary of the Durban outcome, and looking forward to the African Diaspora Summit to be held in South Africa in 2012,

Recognizing the potential of sport as a universal language contributing to the education of people on the values of diversity, tolerance and fairness and as a means to combat racism, racial discrimination, xenophobia and related intolerance,

Welcoming the hosting of the 2010 and 2014 International Federation of Association Football World Cups in South Africa and Brazil, respectively, and stressing the importance of making continuing use of those events to promote understanding, tolerance and peace and to promote and strengthen efforts in the fight against racism, racial discrimination, xenophobia and related intolerance,

I
General principles

1. *Recognizes and affirms* that a global fight against racism, racial discrimination, xenophobia and related intolerance and all their abhorrent and evolving forms and manifestations is a matter of priority for the international community;

2. *Acknowledges* that no derogation from the prohibition of racial discrimination, genocide, the crime of apartheid or slavery is permitted, as defined in the obligations under the relevant human rights instruments;

3. *Expresses its profound concern about and its unequivocal condemnation of* all forms of racism and racial discrimination, including related acts of racially motivated violence, xenophobia and intolerance, as well as propaganda activities and organizations that attempt to justify or promote racism, racial discrimination, xenophobia and related intolerance in any form;

4. *Re-emphasizes* that international cooperation is a key principle in achieving the goal of the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive follow-up to and effective implementation to the Durban Declaration and Programme of Action[1] in this regard;

5. *Emphasizes* that the basic responsibility for effectively combating racism, racial discrimination, xenophobia and related intolerance lies with States, and to this end stresses that States have the primary responsibility to ensure the full and effective implementation of all commitments and recommendations contained in the Durban Declaration and Programme of Action as well as the outcome of the Durban Review Conference, and in this regard welcomes the steps taken by numerous Governments;

6. *Expresses deep concern* at inadequate responses to emerging and resurgent forms of racism, racial discrimination, xenophobia and related intolerance, and urges States to adopt measures to address those scourges vigorously with a view to preventing their practice and protecting victims;

7. *Underlines* the imperative need to address all the contemporary forms and manifestations of racism, racial discrimination, xenophobia and related intolerance, which include, inter alia, incitement to such hatred, racial profiling and the propagation of racist and xenophobic acts through cyberspace, with a view to maximizing protection for victims, providing legal remedies and combating impunity;

8. *Stresses* that States and international organizations have a responsibility to ensure that measures taken in the struggle against terrorism do not discriminate in purpose or effect on grounds of race, colour, descent or national or ethnic origin, and urges all States to rescind or refrain from all forms of racial profiling;

9. *Recognizes* that States should implement and enforce appropriate and effective legislative, judicial, regulatory and administrative measures to prevent and protect against acts of racism, racial discrimination, xenophobia and related intolerance, thereby contributing to the prevention of human rights violations;

10. *Also recognizes* that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer multiple or aggravated forms of discrimination based on other related grounds, such as sex, language, religion or belief, political or other opinion, social origin, property and birth or other status;

11. *Reaffirms* that any advocacy of national, racial or religious hatred that constitutes incitement to discrimination, hostility or violence shall be prohibited by law, and also reaffirms that the dissemination of ideas based on racial superiority, hatred or incitement to racial discrimination, as well as all acts of violence or incitement to such acts, shall be declared offences punishable by law, in accordance with the international obligations of States, and that those prohibitions are consistent with freedom of opinion and expression;

12. *Emphasizes* that it is the responsibility of States to adopt effective measures to combat criminal acts motivated by racism, racial discrimination, xenophobia and related intolerance, including measures to ensure that such motivations are considered an aggravating factor for the purposes of sentencing, to prevent those crimes from going unpunished and to ensure the rule of law;

13. *Urges* all States to review and, where necessary, revise their immigration laws, policies and practices so that they are free of racial discrimination and compatible with their obligations under international human rights instruments;

14. *Calls upon* all States, in accordance with the commitments undertaken in paragraph 147 of the Durban Programme of Action, to take all measures necessary to combat incitement to violence motivated by racial hatred, including through the misuse of print, audio-visual and electronic media and new communications technologies, and, in collaboration with service providers, to promote the use of such technologies, including the Internet, to contribute to the fight against racism, in conformity with international standards of freedom of expression and taking all measures necessary to guarantee that right;

15. *Encourages* all States to include in their educational curricula and social programmes at all levels, as appropriate, knowledge of and tolerance and respect for all cultures, civilizations, religions, peoples and countries, as well as information on the follow-up to and implementation of the Durban Declaration and Programme of Action;

16. *Stresses* the responsibility of States to mainstream a gender perspective into the design and development of prevention, education and protection measures aimed at the eradication of racism, racial discrimination, xenophobia and related intolerance at all levels, to ensure that they effectively target the distinct situations of women and men;

II
International Convention on the Elimination of All Forms of Racial Discrimination

17. *Reaffirms* that universal adherence to and full implementation of the International Convention on the Elimination of All Forms of Racial Discrimination[4] are of paramount importance for the fight against racism, racial discrimination, xenophobia and related intolerance, and for the promotion of equality and non-discrimination in the world;

18. *Expresses grave concern* that universal ratification of the Convention has not yet been reached, despite commitments under the Durban Declaration and Programme of Action,[1] and calls upon those States that have not yet done so to accede to the Convention as a matter of urgency;

19. *Urges*, in the above context, the Office of the United Nations High Commissioner for Human Rights to maintain on its website and issue regular updates on a list of countries that have not yet ratified the Convention and to encourage those countries to ratify it at the earliest possible time;

20. *Expresses concern* at the serious delays in the submission of overdue reports to the Committee on the Elimination of Racial Discrimination, which impede the effectiveness of the Committee, makes a strong appeal to all States parties to the Convention to comply with their treaty obligations, and reaffirms the importance of the provision of technical assistance to requesting countries in the preparation of their reports to the Committee;

21. *Invites* States parties to the Convention to ratify the amendment to article 8 of the Convention on the financing of the Committee, and calls for adequate additional resources from the regular budget of the United Nations to enable the Committee to discharge its mandate fully;

22. *Urges* all States parties to the Convention to intensify their efforts to implement the obligations that they have accepted under article 4 of the Convention, with due regard to the principles of the Universal Declaration of Human Rights[7] and article 5 of the Convention;

23. *Recalls* that the Committee holds that the prohibition of the dissemination of ideas based on racial superiority or racial hatred is compatible with

[7] Resolution 217 A (III).

the right to freedom of opinion and expression as outlined in article 19 of the Universal Declaration of Human Rights and in article 5 of the Convention;

24. *Welcomes* the work of the Committee in combating racism, racial discrimination, xenophobia and related intolerance in the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the measures recommended to strengthen the implementation of the Convention as well as the functioning of the Committee;

25. *Calls upon* Member States to do their utmost to ensure that their responses to the current financial and economic crisis do not lead to increased poverty and underdevelopment and, potentially, a rise in racism, racial discrimination, xenophobia and related intolerance against foreigners, immigrants and persons belonging to national or ethnic, religious and linguistic minorities all over the world;

26. *Reaffirms* that deprivation of citizenship on the basis of race or descent is a breach of State parties' obligations to ensure non-discriminatory enjoyment of the right to nationality;

III
Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance, and follow-up to his visits

27. *Takes note* of the report of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance[8] and encourages relevant stakeholders to consider implementing the recommendations contained therein;

28. *Welcomes* Human Rights Council resolution 16/33 of 25 March 2011,[9] by which the Council decided to extend the mandate of the Special Rapporteur for a period of three years;

29. *Reiterates its call* to all Member States, intergovernmental organizations, relevant organizations of the United Nations system and non-governmental organizations to cooperate fully with the Special Rapporteur, and calls upon States to consider responding favourably to his requests for visits so as to enable him to fulfil his mandate fully and effectively;

30. *Reaffirms* that any form of impunity condoned by public authorities for crimes motivated by racist and xenophobic attitudes plays a role in weakening the rule of law and democracy and tends to encourage the recurrence of such acts;

31. *Emphasizes* the obligations of States under international law to exercise due diligence to prevent crimes against migrants perpetrated with racist or xenophobic motivations, to investigate such crimes and to punish the perpetrators and that not doing so violates, and impairs or nullifies the enjoyment of, the human rights and fundamental freedoms of victims, and urges States to reinforce measures in this regard;

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[8] See A/66/312 and A/66/313.

[9] See *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 53* (A/66/53), chap. II, sect. A.

32. *Recognizes with deep concern* the increase in anti-Semitism, Christianophobia and Islamophobia in various parts of the world, as well as the emergence of racial and violent movements based on racism and discriminatory ideas directed against Arab, Christian, Jewish and Muslim communities, as well as all religious communities, communities of people of African descent, communities of people of Asian descent, communities of indigenous people and other communities;

33. *Calls upon* States parties to fully implement legislation and other measures already in place to ensure that people of African descent are not discriminated against, and underlines in this regard the importance of supporting the programme of activities for the International Year for People of African Descent adopted by the General Assembly at its sixty-fifth session;[10]

34. *Requests* the High Commissioner to continue to provide States, at their request, with advisory services and technical assistance to enable them to implement fully the recommendations of the Special Rapporteur;

35. *Requests* the Secretary-General to provide the Special Rapporteur with all the human and financial assistance necessary to carry out his mandate efficiently, effectively and expeditiously and to enable him to submit a report to the General Assembly at its sixty-seventh session;

36. *Requests* the Special Rapporteur, within his mandate, to continue giving particular attention to the negative impact of racism, racial discrimination, xenophobia and related intolerance on the full enjoyment of civil, cultural, economic, political and social rights;

37. *Invites* Member States to demonstrate greater commitment to fighting racism in sport by conducting educational and awareness-raising activities and by strongly condemning the perpetrators of racist incidents, in cooperation with national and international sports organizations;

38. *Recommends* that States engage in broad efforts to eliminate racism, racial discrimination, xenophobia and related intolerance and to promote the respect for cultural, ethnic and religious diversity, and in that regard emphasizes the crucial role of education, including human rights education, training and learning, and a variety of awareness-raising measures which contribute to the creation of tolerant societies in which mutual understanding may be ensured;

39. *Also recommends* that all States give due attention to and closely monitor the way in which the concept of national, cultural and religious identity is debated within their societies, with a view to preventing it from being used as a tool to create artificial differences among some groups of the population;

40. *Expresses concern* at recent deeply marked tendencies within numerous societies to characterize migration as a problem and a threat to social cohesion, and in this context notes the numerous human rights challenges in combating racism, racial discrimination, xenophobia and related intolerance;

41. *Recommends* that States conduct human rights training, including on the challenges of racism, racial discrimination, xenophobia and related intolerance faced by migrants, refugees and asylum-seekers, for law enforcement officials,

[10] See resolution 65/36.

especially immigration officials and border police, so that they may act in conformity with international human rights law;

42. *Also recommends* that States collect disaggregated data in order to design appropriate anti-racial discrimination legislation and policies and monitor their effectiveness, while abiding by some key principles, including self-identification, the right to privacy, and guaranteeing the consent of those individuals concerned, and the involvement of all groups of individuals concerned, in the design and implementation of the exercise;

IV
Outcomes of the 2001 World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance, the 2009 Durban Review Conference and the commemoration of the tenth anniversary of the adoption of the Durban Declaration and Programme of Action (2011)

43. *Reaffirms* that the General Assembly is the highest intergovernmental mechanism for the formulation and appraisal of policy on matters relating to the economic, social and related fields, in accordance with Assembly resolution 50/227 of 24 May 1996, and that, together with the Human Rights Council, it shall constitute an intergovernmental process for the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action[1] in combating racism, racial discrimination, xenophobia and related intolerance;

44. *Welcomes* the adoption of the political declaration[11] of the high-level meeting of the General Assembly to commemorate the tenth anniversary of the adoption of the Durban Declaration and Programme of Action, whose aim is to mobilize political will at the national, regional and international levels;

45. *Reaffirms* the political commitment to the full and effective implementation of the Durban Declaration and Programme of Action, the outcome document of the Durban Review Conference, and their follow-up processes, at the national, regional and international levels, in combating racism, racial discrimination, xenophobia and related intolerance;

46. *Calls upon* all States that have not yet elaborated their national action plans on combating racism, racial discrimination, xenophobia and related intolerance to comply with their commitments undertaken at the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance of 2001;

47. *Calls upon* all States to formulate and implement without delay, at the national, regional and international levels, policies and plans of action to combat racism, racial discrimination, xenophobia and related intolerance, including their gender-based manifestations;

48. *Urges* States to support the activities of existing regional bodies or centres that combat racism, racial discrimination, xenophobia and related intolerance in their respective regions, and recommends the establishment of such bodies in all regions where they do not exist;

[11] See resolution 66/3.

49. *Calls upon* those States that have not yet done so to consider signing and ratifying or acceding to the instruments enumerated in paragraph 78 of the Durban Programme of Action;

50. *Emphasizes* the fundamental and complementary role of national human rights institutions, regional bodies or centres and civil society, working jointly with States towards the elimination of all forms of racism and, in particular, towards the achievement of the objectives of the Durban Declaration and Programme of Action in this regard;

51. *Recognizes* the fundamental role of civil society in the fight against racism, racial discrimination, xenophobia and related intolerance, in particular in helping States to develop regulations and strategies, in taking measures and action against such forms of discrimination and through follow-up implementation;

52. *Reaffirms its commitment* to eliminating all forms of racism, racial discrimination, xenophobia and other forms of related intolerance against indigenous peoples, and in this regard notes the attention paid to the objectives of combating prejudice, eliminating discrimination and promoting tolerance, understanding and good relations among indigenous peoples and all other segments of society in the United Nations Declaration on the Rights of Indigenous Peoples;[12]

53. *Acknowledges* that the World Conference of 2001, which was the third world conference against racism, was significantly different from the previous two conferences, as evidenced by the inclusion in its title of two important components relating to contemporary forms of racism, namely, xenophobia and related intolerance;

54. *Also acknowledges* that the outcomes of the World Conference and the Durban Review Conference have the same status as the outcomes of all the major United Nations conferences, summits and special sessions in the human rights and social fields;

55. *Emphasizes* the critical importance of increasing public support for the Durban Declaration and Programme of Action and the involvement of relevant stakeholders in its realization;

56. *Requests* the Department of Public Information to compile and disseminate, within existing resources, in a single combined publication, the political declaration on the tenth anniversary of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference, with a view to increasing global support for and awareness of these documents, as well as to establish a programme of outreach through public information campaigns at all levels;

57. *Calls upon* Member States and the United Nations system to intensify efforts to widely distribute copies of the Durban Declaration and Programme of Action, and encourages efforts to ensure its translation and wide dissemination;

58. *Welcomes* the adoption of the laudable initiative led by the States members of the Caribbean Community and other Member States for the establishment of a permanent memorial at the United Nations to the victims of slavery and the transatlantic slave trade as a contribution towards the fulfilment of

[12] Resolution 61/295, annex.

paragraph 101 of the Durban Declaration, expresses its appreciation for contributions made to the voluntary fund established in this regard, and urges other countries to contribute to the fund;

59. *Takes note* of the work of the mechanisms mandated to follow up on the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the Durban Review Conference, and underlines the importance of improving their effectiveness;

60. *Calls upon* the Human Rights Council to ensure that, upon the consideration and adoption of the conclusions and recommendations of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action,[4,5] the recommendations are brought to the attention of the relevant United Nations agencies for adoption and implementation within their respective mandates;

61. *Encourages* the Working Group of Experts on People of African Descent, further to the recommendation of the Working Group at its tenth session on the proclamation of a Decade for People of African Descent, to develop a programme of action, including a theme, for adoption by the Human Rights Council, with a view to proclaiming the decade starting in 2013 as the Decade for People of African Descent;

62. *Encourages* the Office of the United Nations High Commissioner for Human Rights to continue mainstreaming the implementation of the Durban Declaration and Programme of Action and the outcome document of the Durban Review Conference in the whole United Nations system, and, in accordance with paragraphs 136 and 137 of the outcome document, which call for the establishment of an inter-agency task force, to update the Human Rights Council in this regard;

63. *Acknowledges* the central role of resource mobilization, effective global partnership and international cooperation in the context of paragraphs 157 and 158 of the Durban Programme of Action for the successful realization of commitments undertaken at the World Conference, and takes notes of the mandate of the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action, especially in mobilizing the political will necessary for the successful implementation of the Declaration and Programme of Action;

64. *Requests* the Secretary-General to provide the resources necessary for the effective fulfilment of the mandates of the Intergovernmental Working Group on the Effective Implementation of the Durban Declaration and Programme of Action, the Working Group of Experts on People of African Descent, the group of independent eminent experts on the implementation of the Durban Declaration and Programme of Action and the Ad Hoc Committee on the Elaboration of Complementary Standards;

65. *Expresses concern* at the increasing incidence of racism in various sporting events, while noting with appreciation the efforts made by some governing bodies of the various sporting codes to combat racism, and in this regard invites all international sporting bodies to promote, through their national, regional and international federations, a world of sport free from racism and racial discrimination;

66. *Expresses serious concern* at past and recent incidents of racism in sports and at sporting events and, in this context, welcomes efforts of sports governing bodies to combat racism, including by pursuing anti-racism initiatives and by developing and applying disciplinary codes that impose sanctions for racist acts;

67. *Expresses its appreciation*, in this context, to the International Federation of Association Football for the initiative to introduce a visible theme on non-racism in football, and invites the Federation to continue this initiative at the 2014 World Cup soccer tournament to be held in Brazil;

68. *Calls upon* States to take advantage of mass sporting events as valuable outreach platforms for mobilizing people and conveying crucial messages about equality and non-discrimination;

69. *Acknowledges* the guidance and leadership role of the Human Rights Council and encourages it to continue overseeing the implementation of the Durban Declaration and Programme of Action, and requests the Office of the United Nations High Commissioner for Human Rights to continue to provide the Human Rights Council with all the support necessary for it to achieve its objectives in combating racism, racial discrimination, xenophobia and related intolerance;

V
Follow-up activities

70. *Reiterates its recommendation* that future meetings of the Human Rights Council and its relevant mechanisms focusing on the follow-up to the World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance and the implementation of the Durban Declaration and Programme of Action[1] be scheduled in a manner that allows broad participation and avoids overlap with the meetings devoted to the consideration of this item in the General Assembly;

71. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the implementation of the present resolution, with recommendations;

72. *Decides* to remain seized of this important matter at its sixty-seventh session under the item entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance".

18. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Reports considered by the General Assembly in connection with the elimination of racism, racial discrimination, xenophobia and related intolerance

The General Assembly takes note of the report of the Committee on the Elimination of Racial Discrimination on its seventy-eighth and seventy-ninth sessions[1] and the report of the Secretary-General on global efforts for the total elimination of racism, racial discrimination, xenophobia and related intolerance and the comprehensive implementation of and follow-up to the Durban Declaration and Programme of Action.[2]

[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 18* (A/66/18).

[2] A/66/328.

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Right of peoples to self-determination

Report of the Third Committee

Rapporteur: Ms. Kadra Ahmed **Hassan** (Djibouti)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session the item entitled "Right of peoples to self-determination" and to allocate it to the Third Committee.

2. The Third Committee held a general discussion on the item jointly with item 67, entitled "Elimination of racism, racial discrimination, xenophobia and related intolerance", at its 36th and 37th meetings, on 28 and 31 October 2011, and considered proposals and took action on item 68 at its 38th, 42nd, 45th and 50th meetings, on 1, 8, 17 and 22 November. An account of the Committee's discussion is contained in the relevant summary records (A/C.3/66/SR.36, 37, 38, 42, 45 and 50).

3. For its consideration of the item, the Committee had before it the report of the Secretary-General on the right of peoples to self-determination (A/66/172) and a note by the Secretary-General transmitting the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination (A/66/317).

4. At the 36th meeting, on 28 October, the representative of the Office of the United Nations High Commissioner for Human Rights made an introductory statement (see A/C.3/66/SR.36).

5. At the 37th meeting, on 31 October, the Chair of the Working Group on the use of mercenaries as a means of impeding the exercise of the right of peoples to self-determination made a presentation and engaged in an interactive dialogue with the representatives of Cuba, Switzerland, South Africa and Pakistan (see A/C.3/66/SR.37).

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6. At the same meeting, the Chair of the Working Group on the use of mercenaries delivered a statement on behalf of the Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance (see A/C.3/66/SR.37).

II. Consideration of proposals

A. Draft resolution A/C.3/66/L.30

7. At the 38th meeting, on 1 November, the representative of Pakistan, on behalf of Albania, Algeria, Armenia, Azerbaijan, Bahrain, Bangladesh, Belarus, Benin, Bolivia (Plurinational State of), Brunei Darussalam, Burkina Faso, Cameroon, the Central African Republic, China, the Comoros, the Congo, Côte d'Ivoire, Ecuador, Egypt, Eritrea, Gabon, Iran (Islamic Republic of), Jordan, Kenya, Kuwait, Lebanon, Liberia, Libya, Malawi, Malaysia, Mali, Namibia, Nicaragua, the Niger, Nigeria, Oman, Pakistan, Rwanda, Qatar, Saudi Arabia, Senegal, Sierra Leone, Singapore, Somalia, South Africa, the Sudan, Swaziland, Thailand, Togo, the United Arab Emirates, Venezuela (Bolivarian Republic of) and Zimbabwe, introduced a draft resolution entitled "Universal realization of the right of peoples to self-determination" (A/C.3/66/L.30). Subsequently, Angola, Belize, Burundi, El Salvador, Ghana, Grenada, Guinea, Guyana, Honduras, Jamaica, Lesotho, Madagascar, Maldives, Mozambique, Seychelles, Tunisia, Uganda, the United Republic of Tanzania and Zambia joined in sponsoring the draft resolution.

8. At the 42nd meeting, on 8 November, the representative of Pakistan made a statement (see A/C.3/66/SR.42).

9. At the same meeting, the Committee adopted draft resolution A/C.3/66/L.30 (see para. 19, draft resolution I).

10. After the adoption of the draft resolution, the representatives of Poland (on behalf of the European Union), Spain, Argentina, the United States of America and the United Kingdom of Great Britain and Northern Ireland made statements (see A/C.3/66/SR.42).

B. Draft resolution A/C.3/66/L.61

11. At the 42nd meeting, on 8 November, the representative of Egypt, on behalf of Afghanistan, Albania, Algeria, Andorra, Armenia, Austria, Azerbaijan, Bahrain, Bangladesh, Belarus, Belgium, Belize, Benin, Bolivia (Plurinational State of), Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cape Verde, Chad, Chile, China, the Comoros, the Congo, Côte d'Ivoire, Cuba, Cyprus, the Democratic People's Republic of Korea, the Democratic Republic of the Congo, Denmark, Djibouti, the Dominican Republic, Ecuador, Egypt, El Salvador, Ethiopia, Equatorial Guinea, Guinea-Bissau, Gabon, the Gambia, Greece, Grenada, Guinea, Guyana, Hungary, Iceland, India, Indonesia, Iraq, Jordan, Kenya, Kuwait, Kyrgyzstan, the Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malawi, Malaysia, Maldives, Mali, Malta, Mauritania, Monaco, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nicaragua, the Niger, Nigeria, Norway, Oman, Pakistan,

Poland, Qatar, the Republic of Moldova, Romania, the Russian Federation, Saint Vincent and the Grenadines, Saudi Arabia, Senegal, Sierra Leone, Slovakia, Slovenia, Somalia, South Africa, Spain, Sri Lanka, the Sudan, Swaziland, Sweden, Tajikistan, the former Yugoslav Republic of Macedonia, Tunisia, Turkey, Uganda, Ukraine, the United Arab Emirates, the United Republic of Tanzania, the United Kingdom of Great Britain and Northern Ireland, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zimbabwe and Palestine, introduced a draft resolution entitled "The right of the Palestinian people to self-determination" (A/C.3/66/L.61). Subsequently, Antigua and Barbuda, Barbados, Bosnia and Herzegovina, Botswana, Costa Rica, Croatia, Eritrea, Estonia, Finland, France, Ghana, Ireland, Italy, Jamaica, Liberia, Mauritius, New Zealand, Paraguay, Portugal, Rwanda, San Marino, Serbia, Seychelles, Suriname, Switzerland, Timor-Leste and Zambia joined in sponsoring the draft resolution.

12. At its 50th meeting, on 22 November, the Committee adopted draft resolution A/C.3/66/L.61 by a recorded vote of 166 to 5, with 4 abstentions (see para. 19, draft resolution II). The voting was as follows:[1]

In favour:

Afghanistan, Albania, Andorra, Angola, Antigua and Barbuda, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belgium, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Bosnia and Herzegovina, Botswana, Brazil, Brunei Darussalam, Bulgaria, Burkina Faso, Burundi, Cambodia, Cape Verde, Chile, China, Colombia, Comoros, Congo, Costa Rica, Côte d'Ivoire, Croatia, Cuba, Cyprus, Czech Republic, Democratic People's Republic of Korea, Democratic Republic of the Congo, Denmark, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Estonia, Ethiopia, Fiji, Finland, France, Gabon, Georgia, Germany, Ghana, Greece, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Honduras, Hungary, Iceland, India, Indonesia, Iran (Islamic Republic of), Iraq, Ireland, Italy, Jamaica, Japan, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Latvia, Lebanon, Lesotho, Liberia, Libya, Liechtenstein, Lithuania, Luxembourg, Madagascar, Malaysia, Maldives, Mali, Malta, Mauritania, Mauritius, Mexico, Monaco, Mongolia, Montenegro, Morocco, Mozambique, Myanmar, Namibia, Nepal, Netherlands, New Zealand, Nicaragua, Niger, Nigeria, Norway, Oman, Pakistan, Panama, Paraguay, Peru, Philippines, Poland, Portugal, Qatar, Republic of Korea, Republic of Moldova, Romania, Russian Federation, Rwanda, Saint Vincent and the Grenadines, San Marino, Sao Tome and Principe, Saudi Arabia, Senegal, Serbia, Singapore, Slovakia, Slovenia, Solomon Islands, Somalia, South Africa, Spain, Sri Lanka, Sudan, Suriname, Swaziland, Sweden, Switzerland, Syrian Arab Republic, Tajikistan, Thailand, the former Yugoslav Republic of Macedonia, Timor-Leste, Trinidad and Tobago, Tunisia, Turkey, Turkmenistan, Tuvalu, Uganda, Ukraine, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

[1] The delegation of Algeria subsequently indicated that, had it been present, it would have voted in favour.

Against:

Canada, Israel, Marshall Islands, Micronesia (Federated States of), United States of America.

Abstaining:

Cameroon, Haiti, Togo, Vanuatu.

13. A statement was made before the vote by the representative of Israel; statements were made after the vote by the representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland and the observer for Palestine (see A/C.3/66/SR.50).

C. Draft resolution A/C.3/66/L.62

14. At the 42nd meeting, on 8 November, the representative of Cuba, on behalf of Algeria, Belarus, Bolivia (Plurinational State of), China, the Comoros, Côte d'Ivoire, Cuba, Ecuador, Egypt, El Salvador, the Lao People's Democratic Republic, Madagascar, Mali, Myanmar, Namibia, Nicaragua, the Niger, the Russian Federation, Saint Vincent and the Grenadines, Sri Lanka, Swaziland, Venezuela (Bolivarian Republic of), Viet Nam and Zimbabwe, introduced a draft resolution entitled "Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination" (A/C.3/66/L.62). Subsequently, Angola, Benin, the Congo, the Democratic People's Republic of Korea, Eritrea, Ethiopia, Ghana, India, Iran (Islamic Republic of), Lesotho, Malaysia, Mozambique, Nigeria, Pakistan, Peru, Senegal, South Africa, the Sudan, the Syrian Arab Republic, Uganda and the United Republic of Tanzania joined in sponsoring the draft resolution.

15. At the 45th meeting, on 17 November, the representative of Cuba made a statement (see A/C.3/66/SR.45).

16. At the same meeting, the Committee adopted draft resolution A/C.3/66/L.62 by a recorded vote of 118 to 52, with 5 abstentions (see para. 19, draft resolution III). The voting was as follows:

In favour:

Afghanistan, Algeria, Angola, Antigua and Barbuda, Argentina, Armenia, Azerbaijan, Bahamas, Bahrain, Bangladesh, Barbados, Belarus, Belize, Benin, Bhutan, Bolivia (Plurinational State of), Botswana, Brazil, Brunei Darussalam, Burkina Faso, Burundi, Cambodia, Cameroon, Cape Verde, China, Comoros, Congo, Costa Rica, Côte d'Ivoire, Cuba, Democratic People's Republic of Korea, Democratic Republic of the Congo, Djibouti, Dominican Republic, Ecuador, Egypt, El Salvador, Eritrea, Ethiopia, Gabon, Ghana, Grenada, Guatemala, Guinea, Guinea-Bissau, Guyana, Haiti, Honduras, India, Indonesia, Iran (Islamic Republic of), Iraq, Jamaica, Jordan, Kazakhstan, Kenya, Kuwait, Kyrgyzstan, Lao People's Democratic Republic, Lebanon, Lesotho, Liberia, Libya, Madagascar, Malaysia, Maldives, Mali, Mauritania, Mauritius, Mongolia, Morocco, Mozambique, Myanmar, Namibia, Nepal, Nicaragua, Niger, Nigeria, Oman, Pakistan, Panama, Papua New Guinea, Paraguay, Peru, Philippines, Qatar, Russian Federation, Rwanda, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Saudi Arabia, Senegal, Sierra Leone, Singapore, South Africa, Sri Lanka, Sudan, Suriname, Swaziland,

Syrian Arab Republic, Tajikistan, Thailand, Timor-Leste, Togo, Trinidad and Tobago, Tunisia, Tuvalu, Uganda, United Arab Emirates, United Republic of Tanzania, Uruguay, Uzbekistan, Venezuela (Bolivarian Republic of), Viet Nam, Yemen, Zambia, Zimbabwe.

Against:

Albania, Andorra, Australia, Austria, Belgium, Bosnia and Herzegovina, Bulgaria, Canada, Croatia, Cyprus, Czech Republic, Denmark, Estonia, Finland, France, Georgia, Germany, Greece, Hungary, Iceland, Ireland, Israel, Italy, Japan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Micronesia (Federated States of), Monaco, Montenegro, Netherlands, New Zealand, Norway, Poland, Portugal, Republic of Korea, Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, United Kingdom of Great Britain and Northern Ireland, United States of America, Vanuatu.

Abstaining:

Chile, Colombia, Fiji, Mexico, Switzerland.

17. Statements were made before the vote by the representatives of Poland (on behalf of the European Union) and the United States of America; statements were made after the vote by the representatives of Argentina and the United Kingdom of Great Britain and Northern Ireland (see A/C.3/66/SR.45).

D. Draft decision proposed by the Chair

18. At its 50th meeting, on 22 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of the report of the Secretary-General on the right of peoples to self-determination (A/66/172) (see para. 20).

III. Recommendations of the Third Committee

19. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
Universal realization of the right of peoples to self-determination

The General Assembly,

Reaffirming the importance, for the effective guarantee and observance of human rights, of the universal realization of the right of peoples to self-determination enshrined in the Charter of the United Nations and embodied in the International Covenants on Human Rights,[1] as well as in the Declaration on the Granting of Independence to Colonial Countries and Peoples contained in General Assembly resolution 1514 (XV) of 14 December 1960,

Welcoming the progressive exercise of the right to self-determination by peoples under colonial, foreign or alien occupation and their emergence into sovereign statehood and independence,

Deeply concerned at the continuation of acts or threats of foreign military intervention and occupation that are threatening to suppress, or have already suppressed, the right to self-determination of peoples and nations,

Expressing grave concern that, as a consequence of the persistence of such actions, millions of people have been and are being uprooted from their homes as refugees and displaced persons, and emphasizing the urgent need for concerted international action to alleviate their condition,

Recalling the relevant resolutions regarding the violation of the right of peoples to self-determination and other human rights as a result of foreign military intervention, aggression and occupation, adopted by the Commission on Human Rights at its sixty-first[2] and previous sessions,

Reaffirming its previous resolutions on the universal realization of the right of peoples to self-determination, including resolution 65/201 of 21 December 2010,

Reaffirming also its resolution 55/2 of 8 September 2000, containing the United Nations Millennium Declaration, and recalling its resolution 60/1 of 16 September 2005, containing the 2005 World Summit Outcome, which, inter alia, upheld the right to self-determination of peoples under colonial domination and foreign occupation,

Taking note of the report of the Secretary-General on the right of peoples to self-determination,[3]

1. *Reaffirms* that the universal realization of the right of all peoples, including those under colonial, foreign and alien domination, to self-determination

[1] Resolution 2200 A (XXI), annex.

[2] See *Official Records of the Economic and Social Council, 2005, Supplement No. 3* and corrigenda (E/2005/23 and Corr.1 and 2), chap. II, sect. A.

[3] A/66/172.

is a fundamental condition for the effective guarantee and observance of human rights and for the preservation and promotion of such rights;

2. *Declares its firm opposition* to acts of foreign military intervention, aggression and occupation, since these have resulted in the suppression of the right of peoples to self-determination and other human rights in certain parts of the world;

3. *Calls upon* those States responsible to cease immediately their military intervention in and occupation of foreign countries and territories and all acts of repression, discrimination, exploitation and maltreatment, in particular the brutal and inhuman methods reportedly employed for the execution of those acts against the peoples concerned;

4. *Deplores* the plight of millions of refugees and displaced persons who have been uprooted as a result of the aforementioned acts, and reaffirms their right to return to their homes voluntarily in safety and with honour;

5. *Requests* the Human Rights Council to continue to give special attention to violations of human rights, especially the right to self-determination, resulting from foreign military intervention, aggression or occupation;

6. *Requests* the Secretary-General to report on the question to the General Assembly at its sixty-seventh session under the item entitled "Right of peoples to self-determination".

Draft resolution II
The right of the Palestinian people to self-determination

The General Assembly,

Aware that the development of friendly relations among nations, based on respect for the principle of equal rights and self-determination of peoples, is among the purposes and principles of the United Nations, as defined in the Charter,

Recalling, in this regard, its resolution 2625 (XXV) of 24 October 1970 entitled "Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations",

Bearing in mind the International Covenants on Human Rights,[1] the Universal Declaration of Human Rights,[2] the Declaration on the Granting of Independence to Colonial Countries and Peoples[3] and the Vienna Declaration and Programme of Action adopted at the World Conference on Human Rights on 25 June 1993,[4]

Recalling the Declaration on the Occasion of the Fiftieth Anniversary of the United Nations,[5]

Recalling also the United Nations Millennium Declaration,[6]

Recalling further the advisory opinion rendered on 9 July 2004 by the International Court of Justice on the *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory*,[7] and noting in particular the reply of the Court, including on the right of peoples to self-determination, which is a right *erga omnes*,[8]

Recalling the conclusion of the Court, in its advisory opinion of 9 July 2004, that the construction of the wall by Israel, the occupying Power, in the Occupied Palestinian Territory, including East Jerusalem, along with measures previously taken, severely impedes the right of the Palestinian people to self-determination,[9]

Expressing the urgent need for the resumption and accelerated advancement of negotiations within the Middle East peace process, based on the relevant United Nations resolutions, the Madrid terms of reference, including the principle of land for peace, the Arab Peace Initiative[10] and the Quartet road map to a permanent two-

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[1] Resolution 2200 A (XXI), annex.
[2] Resolution 217 A (III).
[3] Resolution 1514 (XV).
[4] A/CONF.157/24 (Part I), chap. III.
[5] See resolution 50/6.
[6] See resolution 55/2.
[7] See A/ES-10/273 and Corr.1; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.
[8] See A/ES-10/273 and Corr.1, advisory opinion, para. 88; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.
[9] See A/ES-10/273 and Corr.1, advisory opinion, para. 122; see also *Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, Advisory Opinion, I.C.J. Reports 2004*, p. 136.
[10] A/56/1026-S/2002/932, annex II, resolution 14/221.

State solution to the Israeli-Palestinian conflict,[11] and for the speedy achievement of a just, lasting and comprehensive peace settlement between the Palestinian and Israeli sides,

Stressing the need for respect for and preservation of the territorial unity, contiguity and integrity of all of the Occupied Palestinian Territory, including East Jerusalem, and recalling in this regard its resolution 58/292 of 6 May 2004,

Recalling its resolution 65/202 of 21 December 2010,

Affirming the right of all States in the region to live in peace within secure and internationally recognized borders,

1. *Reaffirms* the right of the Palestinian people to self-determination, including the right to their independent State of Palestine;

2. *Urges* all States and the specialized agencies and organizations of the United Nations system to continue to support and assist the Palestinian people in the early realization of their right to self-determination.

[11] S/2003/529, annex.

Draft resolution III
Use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination

The General Assembly,

Recalling all of its previous resolutions on the subject, including resolution 65/203 of 21 December 2010, and Human Rights Council resolutions 15/12 of 30 September 2010,[1] 15/26 of 1 October 2010[2] and 18/4 of 29 September 2011,[3] as well as all resolutions adopted by the Commission on Human Rights in this regard,

Recalling also all of its relevant resolutions in which, inter alia, it condemned any State that permitted or tolerated the recruitment, financing, training, assembly, transit or use of mercenaries with the objective of overthrowing the Governments of States Members of the United Nations, especially those of developing countries, or of fighting against national liberation movements, and recalling further the relevant resolutions and international instruments adopted by the General Assembly, the Security Council, the Economic and Social Council and the Organization of African Unity, inter alia, the Organization of African Unity Convention for the elimination of mercenarism in Africa,[4] as well as by the African Union,[5]

Reaffirming the purposes and principles enshrined in the Charter of the United Nations concerning the strict observance of the principles of sovereign equality, political independence, the territorial integrity of States, the self-determination of peoples, the non-use of force or of the threat of use of force in international relations and non-interference in affairs within the domestic jurisdiction of States,

Reaffirming also that, by virtue of the principle of self-determination, all peoples have the right freely to determine their political status and to pursue their economic, social and cultural development and that every State has the duty to respect this right in accordance with the provisions of the Charter,

Reaffirming further the Declaration on Principles of International Law concerning Friendly Relations and Cooperation among States in accordance with the Charter of the United Nations,[6]

Welcoming the establishment of the open-ended intergovernmental Working Group of the Human Rights Council with the mandate of considering the possibility of elaborating an international regulatory framework, including the option of elaborating a legally binding instrument on the regulation, monitoring and oversight of the activities of private military and security companies,

Alarmed and concerned at the danger that the activities of mercenaries constitute to peace and security in developing countries, in particular in Africa and in small States,

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[1] See *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 53A* (A/65/53/Add.1), chap. II.

[2] Ibid., chap. I.

[3] Ibid., *Sixty-sixth Session, Supplement No. 53A* (A/66/53/Add.1), chap. II.

[4] United Nations, *Treaty Series*, vol. 1490, No. 25573.

[5] On 8 July 2002, the Organization of African Unity ceased to exist and, in its place, the African Union came into force on 9 July 2002.

[6] Resolution 2625 (XXV), annex.

Deeply concerned at the loss of life, the substantial damage to property and the negative effects on the policy and economies of affected countries resulting from criminal mercenary activities,

Extremely alarmed and concerned about recent mercenary activities in some developing countries in various parts of the world, including in areas of armed conflict, and the threat they pose to the integrity of and respect for the constitutional order of the affected countries,

Concerned at the alleged involvement of mercenaries, as well as employees of some private military and security companies with mercenary-related activities, in serious human rights violations, including summary executions, enforced disappearances, rape, torture, cruel, inhuman or degrading treatment, arbitrary arrests and detentions, arson, pillaging and looting,

Convinced that a comprehensive, legally binding international regulatory instrument is important for regulating private military and security companies and, in this regard, for taking measures to ensure their accountability for human rights violations and monitor their activities,

Convinced also that, notwithstanding the way in which they are used or the form that they take to acquire some semblance of legitimacy, mercenaries or mercenary-related activities are a threat to peace, security and the self-determination of peoples and an obstacle to the enjoyment of all human rights by peoples,

1. *Takes note with appreciation* of the report of the Working Group on the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination,[7] and expresses its appreciation for the work of the experts of the Working Group;

2. *Reaffirms* that the use of mercenaries and their recruitment, financing and training are causes for grave concern to all States and violate the purposes and principles enshrined in the Charter of the United Nations;

3. *Recognizes* that armed conflict, terrorism, arms trafficking and covert operations by third Powers, inter alia, encourage the demand for mercenaries on the global market;

4. *Urges once again* all States to take the steps necessary and to exercise the utmost vigilance against the menace posed by the activities of mercenaries and to take legislative measures to ensure that their territories and other territories under their control, as well as their nationals, are not used for the recruitment, assembly, financing, training, protection or transit of mercenaries for the planning of activities designed to impede the right of peoples to self-determination, to destabilize or overthrow the Government of any State or to dismember or impair, totally or in part, the territorial integrity or political unity of sovereign and independent States conducting themselves in compliance with the right of peoples to self-determination;

5. *Requests* all States to exercise the utmost vigilance against any kind of recruitment, training, hiring or financing of mercenaries by private companies offering international military consultancy and security services, as well as to impose a specific ban on such companies intervening in armed conflicts or actions to destabilize constitutional regimes;

[7] See A/66/317.

6. *Encourages* States that import the military assistance, consultancy and security services provided by private companies to establish regulatory national mechanisms for the registering and licensing of those companies in order to ensure that imported services provided by those private companies neither impede the enjoyment of human rights nor violate human rights in the recipient country;

7. *Emphasizes* its utmost concern about the impact of the activities of private military and security companies on the enjoyment of human rights, in particular when operating in armed conflicts, and notes that private military and security companies and their personnel are rarely held accountable for violations of human rights;

8. *Calls upon* all States that have not yet done so to consider taking the action necessary to accede to or ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;[8]

9. *Welcomes* the cooperation extended by those countries that received a visit by the Working Group and the adoption by some States of national legislation that restricts the recruitment, assembly, financing, training and transit of mercenaries;

10. *Condemns* recent mercenary activities in developing countries in various parts of the world, in particular in areas of conflict, and the threat they pose to the integrity of and respect for the constitutional order of those countries and the exercise of the right of their peoples to self-determination, and stresses the importance for the Working Group of looking into sources and root causes, as well as the political motivations of mercenaries and for mercenary-related activities;

11. *Calls upon* States to investigate the possibility of mercenary involvement whenever and wherever criminal acts of a terrorist nature occur and to bring to trial those found responsible or to consider their extradition, if so requested, in accordance with domestic law and applicable bilateral or international treaties;

12. *Condemns* any form of impunity granted to perpetrators of mercenary activities and to those responsible for the use, recruitment, financing and training of mercenaries, and urges all States, in accordance with their obligations under international law, to bring them, without distinction, to justice;

13. *Calls upon* Member States, in accordance with their obligations under international law, to cooperate with and assist the judicial prosecution of those accused of mercenary activities in transparent, open and fair trials;

14. *Requests* the Working Group to continue the work already done by the previous Special Rapporteurs on the strengthening of the international legal framework for the prevention and sanction of the recruitment, use, financing and training of mercenaries, taking into account the proposal for a new legal definition of a mercenary drafted by the Special Rapporteur in his report to the Commission on Human Rights at its sixtieth session,[9] including the elaboration and presentation of concrete proposals on possible complementary and new standards aimed at filling existing gaps, as well as general guidelines or basic principles encouraging the further protection of human rights, in particular the right of peoples to self-

[8] United Nations, *Treaty Series*, vol. 2163, No. 37789.

[9] See E/CN.4/2004/15, para. 47.

determination, while facing current and emergent threats posed by mercenaries or mercenary-related activities;

15. *Requests* the Office of the United Nations High Commissioner for Human Rights, as a matter of priority, to publicize the adverse effects of the activities of mercenaries on the right of peoples to self-determination and, when requested and where necessary, to render advisory services to States that are affected by those activities;

16. *Expresses its appreciation* to the Office of the High Commissioner for its support for the holding of the five regional governmental consultations on traditional and new forms of mercenary activities as a means of violating human rights and impeding the exercise of the right of peoples to self-determination, in particular regarding the effects of the activities of private military and security companies on the enjoyment of human rights;

17. *Notes with appreciation* the work of the Working Group on the elaboration of concrete principles on the regulation of private companies offering military assistance, consultancy and other military security-related services on the international market, which it carried out after country visits and through the process of regional consultations, and in consultation with academics and intergovernmental and non-governmental organizations, and also notes its work on the draft convention on the regulation, monitoring and oversight of private military and security companies for consideration by Member States;[10]

18. *Takes note* of the summary of the first session of the open-ended intergovernmental Working Group of the Human Rights Council to consider the possibility of elaborating an international regulatory framework on the regulation, monitoring and oversight of the activities of private military and security companies,[11] expresses satisfaction regarding the participation of experts, including the members of the Working Group on the use of mercenaries, as resource persons at that session, and requests the Working Group on the use of mercenaries and other experts to continue to participate;

19. *Encourages* Member States to continue considering the proposal of the Working Group on the use of mercenaries regarding a possible convention for regulating private military and security companies,[12] and recommends to all Member States, including those confronted with the phenomenon of private military and security companies, as contracting States, States of operations, home States or States whose nationals are employed to work for a private military and security company, to contribute to the work of the open-ended intergovernmental Working Group, taking into account the initial work done by the Working Group on the use of mercenaries;

20. *Urges* all States to cooperate fully with the Working Group on the use of mercenaries in the fulfilment of its mandate;

21. *Requests* the Secretary-General and the United Nations High Commissioner for Human Rights to provide the Working Group with all the assistance and support necessary for the fulfilment of its mandate, both professional

[10] See A/HRC/15/25.

[11] A/HRC/WG.10/1/CRP.2.

[12] A/65/325, annex.

and financial, including through the promotion of cooperation between the Working Group and other components of the United Nations system that deal with countering mercenary-related activities, in order to meet the demands of its current and future activities;

22. *Requests* the Working Group to consult States and intergovernmental and non-governmental organizations in the implementation of the present resolution and to report, with specific recommendations, to the General Assembly at its sixty-seventh session its findings on the use of mercenaries to undermine the enjoyment of all human rights and to impede the exercise of the right of peoples to self-determination;

23. *Decides* to consider at its sixty-seventh session the question of the use of mercenaries as a means of violating human rights and impeding the exercise of the right of peoples to self-determination under the item entitled "Right of peoples to self-determination".

20. The Third Committee also recommends to the General Assembly the adoption of the following draft decision:

Report of the Secretary-General on the right of peoples to self-determination

The General Assembly decides to take note of the report of the Secretary-General on the right of peoples to self-determination.[1]

[1] A/66/172.

United Nations A/66/462

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Agenda item 69

Promotion and protection of human rights

Report of the Third Committee*

Rapporteur: Ms. Kadra Ahmed **Hassan** (Djibouti)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session the item entitled:

"Promotion and protection of human rights:

"(a) Implementation of human rights instruments;

"(b) Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms;

"(c) Human rights situations and reports of special rapporteurs and representatives;

"(d) Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action"

and to allocate it to the Third Committee.

2. An account of the Third Committee's consideration of the item is given in the addenda to the present report.

3. For its consideration of the item, the Committee had before it the following documents:

Item 69
Promotion and protection of human rights

Letter dated 1 June 2011 from the Permanent Representative of Namibia to the United Nations addressed to the Secretary-General (A/66/87), transmitting resolutions adopted by the 124th Assembly of the Inter-Parliamentary Union, held at Panama City from 15 to 20 April 2011

* The report of the Committee on this item is being issued in five parts, under the symbol A/66/462 and Add.1-4.

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Item 69 (a)
Implementation of human rights instruments

Report of the Human Rights Committee on its 100th, 101st and 102nd sessions (A/66/40) (vols. I and II)

Report of the Committee against Torture on its forty-fifth and forty-sixth sessions (A/66/44)

Report of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families on its thirteenth and fourteenth sessions (A/66/48)

Report of the Committee on the Rights of Persons with Disabilities on its first to fourth sessions (A/66/55)

Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery (A/66/217)

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/66/276)

Report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system (A/66/344)

Note by the Secretary-General transmitting the report of the Chairs of the human rights treaty bodies on their twenty-third meeting (A/66/175)

Note by the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (A/66/259)

Item 69 (b)
Human rights questions, including alternative approaches for improving the effective enjoyment of human rights and fundamental freedoms

Report of the Secretary-General on human rights and cultural diversity (A/66/161)

Report of the Secretary-General on protecting human rights and fundamental freedoms while countering terrorism (A/66/204)

Report of the Secretary-General on the right to development (A/66/216)

Report of the Secretary-General on the follow-up to the International Year of Human Rights Learning (A/66/225)

Report of the Secretary-General on the protection of migrants (A/66/253)

Annual report of the Secretary-General on human rights and unilateral coercive measures (A/66/272)

Report of the Secretary-General on the national institutions for the promotion and protection of human rights (A/66/274)

Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture (A/66/276)

Report of the Secretary-General on the status of the International Convention for the Protection of All Persons from Enforced Disappearance (A/66/284)

Report of the Secretary-General on globalization and its impact on the full enjoyment of all human rights (A/66/293)

Report of the Secretary-General on strengthening the role of the United Nations in enhancing the effectiveness of the principle of periodic and genuine elections and the promotion of democratization (A/66/314)

Report of the Secretary-General on the Subregional Centre for Human Rights and Democracy in Central Africa (A/66/325)

Report of the Secretary-General on the programme of activities for the International Year for People of African Descent (A/66/342 and Add.1)

Report of the Secretary-General on combating defamation of religions (A/66/372)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on freedom of religion or belief (A/66/156)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights defenders (A/66/203)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Human Rights Council on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health (A/66/254)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the right to food (A/66/262)

Note by the Secretary-General transmitting an overview of the activities carried out by the outgoing Special Rapporteur on the human rights of migrants (A/66/264)

Note by the Secretary-General transmitting the report of the Special Rapporteur on extreme poverty and human rights (A/66/265)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment (A/66/268)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the right to education (A/66/269)

Note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context (A/66/270)

Note by the Secretary-General transmitting the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights (A/66/271)

Note by the Secretary-General transmitting the report of the Special Rapporteur on trafficking in persons, especially women and children (A/66/283)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of internally displaced persons (A/66/285)

Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the independence of judges and lawyers (A/66/289)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression (A/66/290)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of human rights and fundamental freedoms while countering terrorism (A/66/310)

Note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions (A/66/330)

Item 69 (c)
Human rights situations and reports of special rapporteurs and representatives

Report of the Secretary-General on the situation of human rights in Myanmar (A/66/267)

Report of the Secretary-General on the situation of human rights in the Democratic People's Republic of Korea (A/66/343)

Report of the Secretary-General on the situation of human rights in the Islamic Republic of Iran (A/66/361)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Democratic People's Republic of Korea (A/66/322)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967 (A/66/358)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in Myanmar (A/66/365)

Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Islamic Republic of Iran (A/66/374)

Note by the Secretary-General on the reports of the United Nations High Commissioner for Human Rights and the international independent commission of inquiry on the situation of human rights in Côte d'Ivoire (A/66/518)

Letter dated 24 October 2011 from the Permanent Representative of Myanmar to the United Nations addressed to the Secretary-General (A/C.3/66/2)

Letter dated 26 October 2011 from the Permanent Representative of the Bolivarian Republic of Venezuela to the United Nations addressed to the Secretary-General (A/C.3/66/3)

Item 69 (d)
Comprehensive implementation of and follow-up to the Vienna Declaration and Programme of Action

Report of the United Nations High Commissioner for Human Rights (A/66/36)

II. Consideration of a draft decision proposed by the Chair

4. At its 49th meeting, on 22 November, on the proposal of the Chair, the Committee decided to recommend to the General Assembly that it take note of documents considered in connection with the question of the promotion and protection of human rights (see para. 5).

III. Recommendation of the Third Committee

5. The Third Committee recommends to the General Assembly the adoption of the following draft decision:

Documents considered by the General Assembly in connection with the question of the promotion and protection of human rights

The General Assembly takes note of the following documents submitted under the item entitled "Promotion and protection of human rights":

Under sub-item (a):

(a) Report of the Human Rights Committee on its 100th, 101st and 102nd sessions;[1]

(b) Report of the Committee against Torture on its forty-fifth and forty-sixth sessions;[2]

(c) Report of the Secretary-General on the status of the United Nations Voluntary Trust Fund on Contemporary Forms of Slavery;[3]

(d) Report of the Secretary-General on the United Nations Voluntary Fund for Victims of Torture;[4]

(e) Report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system;[5]

(f) Note by the Secretary-General transmitting the report of the Chairs of the human rights treaty bodies on their twenty-third meeting;[6]

(g) Note by the Secretary-General on the Special Fund established by the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment;[7]

Under sub-item (b):

(a) Report of the Secretary-General on the status of the International Convention for the Protection of All Persons from Enforced Disappearance;[8]

(b) Report of the Secretary-General on the programme of activities for the International Year for People of African Descent;[9]

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[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 40* (A/66/40), vols. I and II.

[2] Ibid., *Supplement No. 44* (A/66/44).

[3] A/66/217.

[4] A/66/276.

[5] A/66/344.

[6] A/66/175.

[7] A/66/259.

[8] A/66/284.

[9] A/66/342 and Add.1.

(c) Note by the Secretary-General transmitting the interim report of the Special Rapporteur of the Human Rights Council on the right of everyone to the enjoyment of the highest attainable standard of physical and mental health;[10]

(d) Note by the Secretary-General transmitting an overview of the activities carried out by the outgoing Special Rapporteur on the human rights of migrants;[11]

(e) Note by the Secretary-General transmitting the report of the Special Rapporteur on extreme poverty and human rights;[12]

(f) Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the right to education;[13]

(g) Note by the Secretary-General transmitting the report of the Special Rapporteur on adequate housing as a component of the right to an adequate standard of living and on the right to non-discrimination in this context;[14]

(h) Note by the Secretary-General transmitting the report of the independent expert on the effects of foreign debt and other related international financial obligations of States on the full enjoyment of all human rights, particularly economic, social and cultural rights;[15]

(i) Note by the Secretary-General transmitting the report of the Special Rapporteur on trafficking in persons, especially women and children;[16]

(j) Note by the Secretary-General transmitting the report of the Special Rapporteur on the human rights of internally displaced persons;[17]

(k) Note by the Secretary-General transmitting the interim report of the Special Rapporteur on the independence of judges and lawyers;[18]

(l) Note by the Secretary-General transmitting the report of the Special Rapporteur on the promotion and protection of the right to freedom of opinion and expression;[19]

(m) Note by the Secretary-General transmitting the report of the Special Rapporteur of the Human Rights Council on extrajudicial, summary or arbitrary executions;[20]

Under sub-item (c):

(a) Note by the Secretary-General transmitting the report of the Special Rapporteur on the situation of human rights in the Palestinian territories occupied since 1967;[21]

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[10] A/66/254.
[11] A/66/264.
[12] A/66/265.
[13] A/66/269.
[14] A/66/270.
[15] A/66/271.
[16] A/66/283.
[17] A/66/285.
[18] A/66/289.
[19] A/66/290.
[20] A/66/330.
[21] A/66/358.

(b) Note by the Secretary-General on the reports of the United Nations High Commissioner for Human Rights and the international independent commission of inquiry on the situation of human rights in Côte d'Ivoire;[22]

Under sub-item (d):

Report of the United Nations High Commissioner for Human Rights.[23]

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[22] A/66/518.

[23] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 36* (A/66/36).

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Agenda item 69 (a)

Promotion and protection of human rights: implementation of human rights instruments

Report of the Third Committee*

Rapporteur: Ms. Kadra Ahmed **Hassan** (Djibouti)

I. Introduction

1. At its 2nd plenary meeting, on 16 September 2011, the General Assembly, on the recommendation of the General Committee, decided to include in the agenda of its sixty-sixth session, under the item entitled "Promotion and protection of human rights", the sub-item entitled "Implementation of human rights instruments" and to allocate it to the Third Committee.

2. The Third Committee considered the sub-item at its 21st, 22nd, 31st and 43rd to 45th meetings, on 18 and 25 October and on 10, 15 and 17 November 2011. An account of the Committee's consideration of the sub-item is contained in the relevant summary records (A/C.3/66/SR.21, 22, 31 and 43-45).

3. For the documents before the Committee under this sub-item, see document A/66/462.

4. At the 21st meeting, on 18 October, the Assistant Secretary-General for Human Rights made an introductory statement (see A/C.3/66/SR.21).

5. At the same meeting, the Chair of the Committee against Torture and the Chair of the Subcommittee on Prevention of Torture made presentations and engaged in a dialogue with the representatives of Chile, the European Union, Liechtenstein, Brazil, the Czech Republic, Pakistan, Norway, Denmark and Panama (see A/C.3/66/SR.21).

6. Also at the same meeting, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment made a presentation and engaged in a dialogue with the representatives of Tunisia, the European Union, the United States of America, Switzerland, Norway and Denmark (see A/C.3/66/SR.21).

* The report of the Committee on this item is being issued in five parts, under the symbol A/66/462 and Add.1-4.

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II. Consideration of proposals

A. Draft resolutions A/C.3/66/L.23 and Rev.1

7. At the 31st meeting, on 25 October, the representative of Sweden, on behalf of Albania, Argentina, Australia, Austria, Belgium, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay, introduced a draft resolution entitled "International Covenants on Human Rights" (A/C.3/66/L.23), which read:

> "*The General Assembly*,
>
> "*Recalling* its resolution 64/152 of 18 December 2009,
>
> "1. *Welcomes* the annual reports of the Human Rights Committee submitted to the General Assembly at its sixty-fifth and sixty-sixth sessions;
>
> "2. *Also welcomes* the reports of the Committee on Economic, Social and Cultural Rights on its forty-second and forty-third sessions and on its forty-fourth and forty-fifth sessions;
>
> "3. *Invites* the Chairs of the Committees to address and engage in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions under the item entitled 'Promotion and protection of human rights', within existing resources;
>
> "4. *Requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols thereto, including all reservations and declarations, through the United Nations websites."

8. At its 45th meeting, on 17 November, the Committee had before it a revised draft resolution entitled "International Covenants on Human Rights" (A/C.3/66/L.23/Rev.1), submitted by Albania, Argentina, Armenia, Australia, Austria, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Iceland, Ireland, Israel, Italy, Japan, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Malta, Mexico, Monaco, Montenegro, the Netherlands, New Zealand, Norway, Panama, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Uruguay. Subsequently, Benin, Ecuador, Honduras, India, Madagascar, Paraguay, the United Republic of Tanzania and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

9. At the same meeting, the Committee adopted draft resolution A/C.3/66/L.23/Rev.1 (see para. 22, draft resolution I). After the adoption of the draft resolution, a statement was made by the representative of the United States of America (see A/C.3/66/SR.45).

B. Draft resolutions A/C.3/66/L.27 and Rev.1

10. At the 31st meeting, on 25 October, the representative of Brazil, on behalf of Argentina, Australia, Bangladesh, Brazil, the Dominican Republic, Guatemala, Ireland, Jamaica, Panama, Peru, Poland, Portugal, Singapore, Turkey and the United States of America, introduced a draft resolution entitled "World Down Syndrome Day" (A/C.3/66/L.27), which read:

"*The General Assembly*,

"*Recalling* the 2005 World Summit Outcome and the United Nations Millennium Declaration, as well as the outcomes of the major United Nations conferences and summits in the economic, social and related fields,

"*Recalling also* the Convention on the Rights of Persons with Disabilities, according to which persons with disabilities should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate the person's active participation in the community and the full enjoyment of all human rights and fundamental freedoms on an equal basis with other persons, and by which States parties undertake to adopt immediate, effective and appropriate measures to raise awareness throughout society regarding persons with disabilities,

"*Affirming* that ensuring and promoting the full realization of all human rights and fundamental freedoms for all persons with disabilities is critical to achieving internationally agreed development goals,

"*Aware* that Down syndrome is a naturally occurring chromosomal arrangement that has always been a part of the human condition, being universally present across racial, gender and socio-economic lines, and affects approximately 1 in 800 births worldwide, causing intellectual disability and associated medical issues,

"*Deeply concerned* by the prevalence and high rate of Down syndrome in persons in all regions of the world and the consequent development challenges in the areas of long-term health care, education, training and intervention programmes undertaken by Governments, non-governmental organizations and the private sector, as well as its considerable impact on families, communities and societies,

"*Recalling* that adequate access to health care, to early intervention programmes and to inclusive education, as well as appropriate research, are vital to the growth and development of the individual,

"*Recognizing* the inherent dignity, worth and valuable contributions of persons with intellectual disabilities as promoters of the well-being and diversity of their communities, and the importance of their individual autonomy and independence, including the freedom to make their own choices,

"1. *Decides* to designate 21 March as World Down Syndrome Day, to be observed every year beginning in 2012;

"2. *Invites* all Member States, relevant organizations of the United Nations system and other international organizations, as well as civil society, including non-governmental organizations and the private sector, to observe World Down Syndrome Day in an appropriate manner, in order to raise public awareness of Down syndrome;

"3. *Encourages* Member States to take measures to raise awareness throughout society, including at the family level, regarding persons with Down syndrome;

"4. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and United Nations organizations."

11. At its 43rd meeting, on 10 November, the Committee had before it a revised draft resolution entitled "World Down Syndrome Day" (A/C.3/66/L.27/Rev.1), submitted by Argentina, Australia, Austria, Bangladesh, Belarus, Bolivia (Plurinational State of), Brazil, Bulgaria, Canada, Costa Rica, Cuba, Cyprus, Denmark, the Dominican Republic, Ecuador, Egypt, Finland, France, Georgia, Germany, Greece, Guatemala, Hungary, Ireland, Israel, Italy, Jamaica, Luxembourg, Malta, Mexico, Monaco, Panama, Peru, the Philippines, Poland, Portugal, Romania, Singapore, Slovenia, Spain, the Syrian Arab Republic, Thailand, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Albania, Armenia, Bhutan, Bosnia and Herzegovina, Burundi, Colombia, Eritrea, Guyana, Haiti, Honduras, Iceland, India, Indonesia, Jordan, Latvia, Lithuania, Malaysia, Mauritania, Morocco, Montenegro, Nicaragua, Paraguay, Qatar, the Republic of Korea, the Republic of Moldova, San Marino, Serbia, the former Yugoslav Republic of Macedonia, Timor-Leste and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

12. At the same meeting, the Committee adopted draft resolution A/C.3/66/L.27/Rev.1 (see para. 22, draft resolution II).

C. Draft resolutions A/C.3/66/L.28 and Rev.1

13. At the 31st meeting, on 25 October, the representative of Denmark, on behalf of Albania, Argentina, Australia, Austria, Belgium, Brazil, Canada, Chile, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, El Salvador, Estonia, Finland, France, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Ireland, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Malta, Mexico, Micronesia (Federated States of), Montenegro, Morocco, the Netherlands, New Zealand, Norway, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, Slovakia, Slovenia, Spain, Sweden, Switzerland, Turkey, the former Yugoslav Republic of Macedonia, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay, introduced a draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/66/L.28), which read:

"*The General Assembly*,

"*Reaffirming* that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

"*Recalling* that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law that must be respected under all circumstances, including in times of international or internal armed conflict or disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

"*Recalling also* that the prohibition of torture is a peremptory norm of international law and that international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

"*Recalling further* the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

"*Emphasizing* the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment and of abiding strictly by the definition of torture contained in article 1 of the Convention,

"*Noting* that, under the Geneva Conventions of 1949, torture and inhuman treatment are a grave breach and that, under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court, acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

"*Welcoming* the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance, the implementation of which will make a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention, and encouraging all States that have not ratified or acceded to the Convention to consider doing so,

"*Commending* the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and national preventive mechanisms, and the considerable network of centres

for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

"*Deeply concerned* with increasing acts of torture and other cruel, inhuman or degrading treatment or punishment committed against peaceful protesters,

"1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

"2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

"3. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, urges all States to consider establishing, or maintaining and enhancing, independent and effective mechanisms with qualified legal and other expertise to undertake effective monitoring visits to places of detention, inter alia with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms;

"4. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment;

"5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or through judicial decisions, and urges States to ensure accountability for all such acts;

"6. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention or other place where persons are deprived of their liberty, where the prohibited act is found to have been committed;

"7. *Recalls*, in this respect, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles) as a useful tool in efforts to prevent and combat torture and the updated set of principles for the protection and promotion of human rights through action to combat impunity;

"8. *Encourages* States to establish or maintain appropriate national processes to record allegations of torture and other cruel, inhuman or degrading treatment or punishment;

"9. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including legal and procedural safeguards, as well as education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

"10. *Urges* States, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, to ensure that no authority or official orders, applies, permits or tolerates any sanction or other prejudice against any person or organization for having been in contact with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment;

"11. *Calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

"12. *Calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities, are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

"13. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty and that persons charged with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending;

"14. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished;

"15. *Stresses* the contribution of the International Criminal Court to ending impunity by seeking to ensure accountability and punishment of perpetrators of torture and other cruel, inhuman or degrading treatment, and encourages States that have not yet done so to consider ratifying or acceding as a matter of priority to the Rome Statute, which now has 119 States parties;

"16. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, encourages States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

"17. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

"18. *Urges* States not to expel, return ('refouler'), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stresses the importance of effective legal and procedural safeguards in this regard, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

"19. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

"20. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encourages other States to do likewise, bearing in mind the need to fight impunity;

"21. *Stresses* that national legal systems must ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress without suffering any retribution for bringing complaints or giving evidence, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

"22. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

"23. *Reminds* all States that prolonged incommunicado detention or detention in secret places is known to facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished;

"24. *Emphasizes* that conditions of detention must respect the dignity and human rights of detainees, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of detainees, and notes in this regard concerns about solitary confinement;

"25. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of goods and equipment that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment;

"26. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

"27. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 with a view to enhancing the effectiveness of the Committee as soon as possible;

"28. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee;

"29. *Welcomes* the work of the Committee and its report submitted in accordance with article 24 of the Convention, recommends that the Committee continue to include information on the follow-up by States to its recommendations, and supports the Committee in its intention to further improve the effectiveness of its working methods;

"30. *Invites* the Chairs of the Committee and of the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-seventh session under the sub-item entitled 'Implementation of human rights instruments';

"31. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance

for the development, production and distribution of teaching material for this purpose;

"32. *Takes note with appreciation* of the interim report of the Special Rapporteur, and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

"33. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

"34. *Calls upon all* States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

"35. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

"36. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and encourages contributions to the Special Fund established by the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

"37. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

"38. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-seventh session a report on the operations of the Funds;

"39. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including, in particular, the Committee, the Subcommittee and the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their mandates;

"40. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

"41. *Decides* to consider at its sixty-seventh session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment."

14. At its 43rd meeting, on 10 November, the Committee had before it a revised draft resolution entitled "Torture and other cruel, inhuman or degrading treatment or punishment" (A/C.3/66/L.28/Rev.1), submitted by Albania, Andorra, Argentina, Armenia, Australia, Austria, Azerbaijan, Belgium, Belize, Benin, Bosnia and Herzegovina, Brazil, Bulgaria, Burkina Faso, Canada, Chile, Costa Rica, Côte d'Ivoire, Croatia, Cyprus, the Czech Republic, Denmark, the Dominican Republic, Ecuador, El Salvador, Estonia, Finland, France, Georgia, Germany, Greece, Guatemala, Honduras, Hungary, Iceland, Iraq, Ireland, Israel, Italy, Jordan, Latvia, Liechtenstein, Lithuania, Luxembourg, Maldives, Mali, Malta, Mexico, Micronesia (Federated States of), Mongolia, Montenegro, Morocco, the Netherlands, New Zealand, Norway, Panama, Paraguay, Peru, Poland, Portugal, the Republic of Korea, the Republic of Moldova, Romania, San Marino, Serbia, Slovakia, Slovenia, Spain, Sweden, Switzerland, Timor-Leste, Tunisia, the former Yugoslav Republic of Macedonia, Turkey, Ukraine, the United Kingdom of Great Britain and Northern Ireland, the United States of America and Uruguay. Subsequently, Bolivia (Plurinational State of), Nicaragua, the Niger, Sierra Leone and Venezuela (Bolivarian Republic of) joined in sponsoring the draft resolution.

15. At the same meeting, the representative of Denmark orally revised the text as follows:

(a) In the ninth preambular paragraph, the words "peaceful protesters" were replaced with the words "persons exercising their rights of peaceful assembly and freedom of expression"; and the words "all situations and" were deleted before "all regions";

(b) Operative paragraph 8 was moved and renumbered as paragraph 6 and existing operative paragraphs 6 and 7 were renumbered accordingly;

(c) In operative paragraph 14, the words "acknowledges the efforts" were replaced with the words "notes the efforts"; and the words "bearing in mind its principle of complementarity" were inserted after the words "Rome Statute";

(d) In operative paragraph 22, the words "is known to facilitate" were replaced with the words "can facilitate".

16. At its 43rd meeting, the Committee adopted draft resolution A/C.3/66/L.28/Rev.1, as orally revised (see para. 22, draft resolution III).

D. Draft resolutions A/C.3/66/L.29 and Rev.1

17. At the 31st meeting, on 25 October, the representative of Mexico, on behalf of Argentina, Australia, Bolivia (Plurinational State of), Brazil, Chile, Costa Rica, Croatia, Cyprus, Denmark, Ecuador, Finland, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Jamaica, Jordan, Latvia, Luxembourg, Mexico, Morocco, New Zealand, Nicaragua, Nigeria, Norway, Peru, Portugal, Sierra Leone, Slovakia, Spain, Sweden, Thailand and Togo, introduced a draft resolution entitled "Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto" (A/C.3/66/L.29), which read:

"*The General Assembly*,

"*Recalling* its previous relevant resolutions, the most recent of which was resolution 64/154 of 18 December 2009, as well as relevant resolutions of the Human Rights Council, the Commission for Social Development and the Commission on Human Rights,

"*Noting* the request of the Committee on the Rights of Persons with Disabilities that the General Assembly authorize an extension of its meeting time,

"*Noting also* that the Committee has a unique operative environment and currently only meets for two sessions of one week a year,

"1. *Welcomes* the fact that, since the opening for signature of the Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto on 30 March 2007, one hundred and forty-nine States have signed and one hundred and three States have ratified the Convention and ninety States have signed and seventy-two States have ratified the Optional Protocol, and that one regional integration organization has ratified the Convention;

"2. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

"3. *Welcomes* the holding of the third and fourth sessions of the Conference of States Parties to the Convention and the work of the Committee on the Rights of Persons with Disabilities;

"4. *Decides* to authorize the Committee to meet for an additional week per year in order to address the reports awaiting consideration, and also decides to review, during the sixty-seventh session of the General Assembly, the extension of the Committee's sessions;

"5. *Invites* the Chairperson of the Committee to address and engage in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions, under the item entitled 'Promotion and protection of human rights', as a way to enhance communication between the Assembly and the Committee;

"6. *Welcomes* the report of the Secretary-General and the activities undertaken in support of the Convention;

"7. *Encourages* the Inter-Agency Support Group on the Convention to continue its work to mainstream the Convention throughout the United Nations system through its joint strategy and action plan approved in 2010, and calls upon the Department of Economic and Social Affairs and the Office of the United Nations High Commissioner for Human Rights to continue strengthening their cooperation in this regard;

"8. *Invites* the Secretary-General to intensify efforts to assist States to become parties to the Convention and the Optional Protocol, including by providing assistance with a view to achieving universal adherence;

"9. *Requests* the Secretary-General to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, in particular when undertaking renovations, including interim arrangements;

"10. *Also requests* the Secretary-General to take further actions to promote the rights of persons with disabilities in the United Nations system in accordance with the Convention, including the retention and recruitment of persons with disabilities;

"11. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible information on the Convention and the Optional Protocol, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

"12. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the status of the Convention and the Optional Protocol, and the implementation of the present resolution."

18. At its 44th meeting, on 15 November, the Committee had before it a revised draft resolution entitled "Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto" (A/C.3/66/L.29/Rev.1), submitted by Argentina, Australia, Austria, Bangladesh, Belgium, Bolivia (Plurinational State of), Bosnia and Herzegovina, Brazil, Bulgaria, Canada, Chile, Colombia, Costa Rica, Croatia, Cyprus, the Czech Republic, Denmark, Ecuador, Egypt, Estonia, Finland, France, Germany, Greece, Guatemala, Guinea, Guyana, Haiti, Honduras, Hungary, Iceland, India, Ireland, Israel, Italy, Jamaica, Jordan, Latvia, Lithuania, Luxembourg, Malta, Mexico, Micronesia (Federated States of), Montenegro, Morocco, the Netherlands, New Zealand, Nicaragua, Nigeria, Norway, Papua New Guinea, Peru, the Philippines, Poland, Portugal, the Republic of Korea, Romania, Samoa, Senegal, Serbia, Sierra Leone, Slovakia, Slovenia, Spain, the Sudan, Sweden, Thailand, the

former Yugoslav Republic of Macedonia, Togo, Turkmenistan, Ukraine, the United Kingdom of Great Britain and Northern Ireland and Vanuatu. Subsequently, Albania, Armenia, Azerbaijan, Belize, Burkina Faso, Cameroon, the Dominican Republic, Ethiopia, Guinea-Bissau, Kyrgyzstan, Lebanon, Lesotho, Liberia, Malaysia, Mali, Myanmar, Namibia, the Niger, Panama, Paraguay, the Republic of Moldova, the Russian Federation, San Marino, South Africa, Suriname, Swaziland, Tunisia, Turkey, the United States of America and Uruguay joined in sponsoring the draft resolution.

19. At the same meeting, the attention of the Committee was drawn to the statement of programme budget implications contained in document A/C.3/66/L.58.

20. Also at its 44th meeting, the Committee adopted draft resolution A/C.3/66/L.29/Rev.1 (see para. 22, draft resolution IV).

21. After the adoption of the draft resolution, the representative of Japan made a statement (see A/C.3/66/SR.44).

III. Recommendations of the Third Committee

22. The Third Committee recommends to the General Assembly the adoption of the following draft resolutions:

Draft resolution I
International Covenants on Human Rights

The General Assembly,

Recalling its resolution 64/152 of 18 December 2009,

1. *Welcomes* the annual report of the Human Rights Committee submitted to the General Assembly at its sixty-fifth session;[1]

2. *Also welcomes* the report of the Committee on Economic, Social and Cultural Rights on its forty-second and forty-third sessions[2] and on its forty-fourth and forty-fifth sessions;[3]

3. *Invites* the Chairs of the Committees to address and engage in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions under the item entitled "Promotion and protection of human rights", within existing resources;

4. *Requests* the Secretary-General to keep the General Assembly informed of the status of the International Covenants on Human Rights and the Optional Protocols thereto, including all reservations and declarations, through the United Nations websites.

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[1] *Official Records of the General Assembly, Sixty-fifth Session, Supplement No. 40* (A/65/40), vols. I and II.

[2] *Official Records of the Economic and Social Council, 2010, Supplement No. 2* (E/2010/22).

[3] Ibid., *2011, Supplement No. 2* (E/2011/22).

Draft resolution II
World Down Syndrome Day

The General Assembly,

Recalling the 2005 World Summit Outcome[1] and the United Nations Millennium Declaration,[2] as well as the outcomes of the major United Nations conferences and summits in the economic, social and related fields,

Recalling also the Convention on the Rights of Persons with Disabilities,[3] according to which persons with disabilities should enjoy a full and decent life, in conditions that ensure dignity, promote self-reliance and facilitate the person's active participation in the community and the full enjoyment of all human rights and fundamental freedoms on an equal basis with other persons, and by which States parties undertake to adopt immediate, effective and appropriate measures to raise awareness throughout society regarding persons with disabilities,

Affirming that ensuring and promoting the full realization of all human rights and fundamental freedoms for all persons with disabilities is critical to achieving internationally agreed development goals,

Aware that Down syndrome is a naturally occurring chromosomal arrangement that has always been a part of the human condition, exists in all regions across the globe and commonly results in variable effects on learning styles, physical characteristics or health,

Recalling that adequate access to health care, to early intervention programmes and to inclusive education, as well as appropriate research, are vital to the growth and development of the individual,

Recognizing the inherent dignity, worth and valuable contributions of persons with intellectual disabilities as promoters of the well-being and diversity of their communities, and the importance of their individual autonomy and independence, including the freedom to make their own choices,

1. *Decides* to designate 21 March as World Down Syndrome Day, to be observed every year beginning in 2012;

2. *Invites* all Member States, relevant organizations of the United Nations system and other international organizations, as well as civil society, including non-governmental organizations and the private sector, to observe World Down Syndrome Day in an appropriate manner, in order to raise public awareness of Down syndrome;

3. *Encourages* Member States to take measures to raise awareness throughout society, including at the family level, regarding persons with Down syndrome;

4. *Requests* the Secretary-General to bring the present resolution to the attention of all Member States and United Nations organizations.

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[1] See resolution 60/1.

[2] See resolution 55/2.

[3] Resolution 61/106, annex I.

Draft resolution III
Torture and other cruel, inhuman or degrading treatment or punishment

The General Assembly,

Reaffirming that no one shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment,

Recalling that freedom from torture and other cruel, inhuman or degrading treatment or punishment is a non-derogable right under international law, including international human rights law and international humanitarian law, that must be respected and protected under all circumstances, including in times of international or internal armed conflict or disturbance or any other public emergency, that the absolute prohibition of torture and other cruel, inhuman or degrading treatment or punishment is affirmed in relevant international instruments and that legal and procedural safeguards against such acts must not be subject to measures that would circumvent this right,

Recalling also that the prohibition of torture is a peremptory norm of international law and that international, regional and domestic courts have held the prohibition of cruel, inhuman or degrading treatment or punishment to be customary international law,

Recalling further the definition of torture contained in article 1 of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment,[1] without prejudice to any international instrument or national legislation which contains or may contain provisions of wider application,

Emphasizing the importance of properly interpreting and implementing the obligations of States with respect to torture and other cruel, inhuman or degrading treatment or punishment and of abiding strictly by the definition of torture contained in article 1 of the Convention,

Noting that, under the Geneva Conventions of 1949,[2] torture and inhuman treatment are a grave breach and that, under the statute of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, the statute of the International Criminal Tribunal for the Prosecution of Persons Responsible for Genocide and Other Serious Violations of International Humanitarian Law Committed in the Territory of Rwanda and Rwandan Citizens Responsible for Genocide and Other Such Violations Committed in the Territory of Neighbouring States between 1 January and 31 December 1994 and the Rome Statute of the International Criminal Court,[3] acts of torture can constitute crimes against humanity and, when committed in a situation of armed conflict, constitute war crimes,

Welcoming the entry into force of the International Convention for the Protection of All Persons from Enforced Disappearance,[4] the implementation of

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[1] United Nations, *Treaty Series*, vol. 1465, No. 24841.

[2] Ibid., vol. 75, Nos. 970-973.

[3] Ibid., vol. 2187, No. 38544.

[4] Resolution 61/177, annex.

which will make a significant contribution to the prevention and prohibition of torture, including by prohibiting secret places of detention, and encouraging all States that have not done so to consider signing, ratifying or acceding to the Convention,

Commending the persistent efforts of civil society organizations, including non-governmental organizations, national human rights institutions and national preventive mechanisms, and the considerable network of centres for the rehabilitation of victims of torture, to prevent and combat torture and to alleviate the suffering of victims of torture,

Deeply concerned with all acts which can amount to torture and other cruel, inhuman or degrading treatment or punishment committed against persons exercising their rights of peaceful assembly and freedom of expression in all regions of the world,

1. *Condemns* all forms of torture and other cruel, inhuman or degrading treatment or punishment, including through intimidation, which are and shall remain prohibited at any time and in any place whatsoever and can thus never be justified, and calls upon all States to implement fully the absolute and non-derogable prohibition of torture and other cruel, inhuman or degrading treatment or punishment;

2. *Emphasizes* that States must take persistent, determined and effective measures to prevent and combat all acts of torture and other cruel, inhuman or degrading treatment or punishment, stresses that all acts of torture must be made offences under domestic criminal law, and encourages States to prohibit under domestic law acts constituting cruel, inhuman or degrading treatment or punishment;

3. *Welcomes* the establishment of national preventive mechanisms to prevent torture and other cruel, inhuman or degrading treatment or punishment, urges States to consider establishing, appointing, maintaining or enhancing independent and effective mechanisms with qualified expertise to undertake monitoring visits to places of detention, inter alia with a view to preventing acts of torture or other cruel, inhuman or degrading treatment or punishment, and calls upon States parties to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[5] to fulfil their obligation to designate or establish truly independent and effective national preventive mechanisms;

4. *Emphasizes* the importance of States ensuring proper follow-up to the recommendations and conclusions of the relevant treaty bodies and mechanisms, including the Committee against Torture, the Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the Special Rapporteur of the Human Rights Council on torture and other cruel, inhuman or degrading treatment or punishment;

5. *Condemns* any action or attempt by States or public officials to legalize, authorize or acquiesce in torture and other cruel, inhuman or degrading treatment or punishment under any circumstances, including on grounds of national security or

[5] United Nations, *Treaty Series*, vol. 2375, No. 24841.

through judicial decisions, and urges States to ensure accountability of those responsible for all such acts;

6. *Encourages* States to consider establishing or maintaining appropriate national processes to record allegations of torture and other cruel, inhuman or degrading treatment or punishment;

7. *Stresses* that an independent, competent domestic authority must promptly, effectively and impartially investigate all allegations of torture or other cruel, inhuman or degrading treatment or punishment, as well as wherever there is reasonable ground to believe that such an act has been committed, and that those who encourage, order, tolerate or perpetrate such acts must be held responsible, brought to justice and punished in a manner commensurate with the severity of the offence, including the officials in charge of any place of detention, or other place where persons are deprived of their liberty, where the prohibited act is found to have been committed;

8. *Recalls*, in this respect, the Principles on the Effective Investigation and Documentation of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (the Istanbul Principles)[6] as a useful tool in efforts to prevent and combat torture and the updated set of principles for the protection and promotion of human rights through action to combat impunity;[7]

9. *Calls upon* all States to implement effective measures to prevent torture and other cruel, inhuman or degrading treatment or punishment, particularly in places of detention and other places where persons are deprived of their liberty, including legal and procedural safeguards, as well as education and training of personnel who may be involved in the custody, interrogation or treatment of any individual subjected to any form of arrest, detention or imprisonment;

10. *Urges* States, as an important element in preventing and combating torture and other cruel, inhuman or degrading treatment or punishment, to ensure that no authority or official orders, applies, permits or tolerates any sanction or other prejudice against any person or organization for having been in contact with any national or international monitoring or preventive body active in the prevention and combating of torture and other cruel, inhuman or degrading treatment or punishment;

11. *Calls upon* all States to adopt a gender-sensitive approach in the fight against torture and other cruel, inhuman or degrading treatment or punishment, paying special attention to gender-based violence;

12. *Calls upon* States to ensure that the rights of persons with disabilities, bearing in mind the Convention on the Rights of Persons with Disabilities,[8] are fully integrated into torture prevention and protection, and welcomes the efforts of the Special Rapporteur in this regard;

13. *Encourages* all States to ensure that persons convicted of torture or other cruel, inhuman or degrading treatment or punishment have no subsequent involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty and that persons charged

[6] Resolution 55/89, annex.

[7] See E/CN.4/2005/102/Add.1.

[8] Resolution 61/106, annex I.

with torture or other cruel, inhuman or degrading treatment or punishment have no involvement in the custody, interrogation or treatment of any person under arrest, detention, imprisonment or other deprivation of liberty while such charges are pending;

14. *Emphasizes* that acts of torture in armed conflict are serious violations of international humanitarian law and in this regard constitute war crimes, that acts of torture can constitute crimes against humanity and that the perpetrators of all acts of torture must be prosecuted and punished, and in this regard notes the efforts of the International Criminal Court to end impunity by seeking to ensure accountability and punishment of perpetrators of such acts, in accordance with the Rome Statute,[3] bearing in mind its principle of complementarity, and encourages States that have not yet done so to consider ratifying or acceding to the Rome Statute;

15. *Strongly urges* States to ensure that no statement that is established to have been made as a result of torture is invoked as evidence in any proceedings, except against a person accused of torture as evidence that the statement was made, encourages States to extend that prohibition to statements made as a result of cruel, inhuman or degrading treatment or punishment, and recognizes that adequate corroboration of statements, including confessions, used as evidence in any proceedings constitutes one safeguard for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

16. *Stresses* that States must not punish personnel for not obeying orders to commit or conceal acts amounting to torture or other cruel, inhuman or degrading treatment or punishment;

17. *Urges* States not to expel, return ("refouler"), extradite or in any other way transfer a person to another State where there are substantial grounds for believing that the person would be in danger of being subjected to torture, stresses the importance of effective legal and procedural safeguards in this regard, and recognizes that diplomatic assurances, where used, do not release States from their obligations under international human rights, humanitarian and refugee law, in particular the principle of non-refoulement;

18. *Recalls* that, for the purpose of determining whether there are such grounds, the competent authorities shall take into account all relevant considerations, including, where applicable, the existence in the State concerned of a consistent pattern of gross, flagrant or mass violations of human rights;

19. *Calls upon* States parties to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment[1] to fulfil their obligation to submit for prosecution or extradite those alleged to have committed acts of torture, and encourages other States to do likewise, bearing in mind the need to fight impunity;

20. *Stresses* that national legal systems must ensure that victims of torture or other cruel, inhuman or degrading treatment or punishment obtain redress without suffering any retribution for bringing complaints or giving evidence, have access to justice, are awarded fair and adequate compensation and receive appropriate social, psychological, medical and other relevant specialized rehabilitation, and urges States to establish, maintain, facilitate or support rehabilitation centres or facilities where victims of torture can receive such treatment and where effective measures for ensuring the safety of their staff and patients are taken;

21. *Recalls* its resolution 43/173 of 9 December 1988 on the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, and in this context stresses that ensuring that any individual arrested or detained is promptly brought before a judge or other independent judicial officer in person and permitting prompt and regular medical care and legal counsel as well as visits by family members and independent monitoring mechanisms are effective measures for the prevention of torture and other cruel, inhuman or degrading treatment or punishment;

22. *Reminds* all States that prolonged incommunicado detention or detention in secret places can facilitate the perpetration of torture and other cruel, inhuman or degrading treatment or punishment and can in itself constitute a form of such treatment, and urges all States to respect the safeguards concerning the liberty, security and dignity of the person and to ensure that secret places of detention and interrogation are abolished;

23. *Emphasizes* that conditions of detention must respect the dignity and human rights of detainees, highlights the importance of reflecting on this in efforts to promote respect for and protection of the rights of detainees, and notes in this regard concerns about solitary confinement when it amounts to torture or other cruel, inhuman or degrading treatment or punishment;

24. *Calls upon* all States to take appropriate effective legislative, administrative, judicial and other measures to prevent and prohibit the production, trade, export, import and use of equipment that have no practical use other than for the purpose of torture or other cruel, inhuman or degrading treatment or punishment;

25. *Urges* all States that have not yet done so to become parties to the Convention as a matter of priority, and calls upon States parties to give early consideration to signing and ratifying the Optional Protocol to the Convention;

26. *Urges* all States parties to the Convention that have not yet done so to make the declarations provided for in articles 21 and 22 concerning inter-State and individual communications, to consider the possibility of withdrawing their reservations to article 20 and to notify the Secretary-General of their acceptance of the amendments to articles 17 and 18 with a view to enhancing the effectiveness of the Committee as soon as possible;

27. *Urges* States parties to comply strictly with their obligations under the Convention, including, in view of the high number of reports not submitted in time, their obligation to submit reports in accordance with article 19 of the Convention, and invites States parties to incorporate a gender perspective and information concerning children and juveniles and persons with disabilities when submitting reports to the Committee;

28. *Welcomes* the work of the Committee and its report submitted in accordance with article 24 of the Convention,[9] recommends that the Committee continue to include information on the follow-up by States to its recommendations, and supports the Committee in its intention to further improve the effectiveness of its working methods;

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[9] To be issued as *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 44* (A/66/44).

29. *Invites* the Chairs of the Committee and of the Subcommittee to present oral reports on the work of the committees and to engage in an interactive dialogue with the General Assembly at its sixty-seventh session under the sub-item entitled "Implementation of human rights instruments";

30. *Calls upon* the United Nations High Commissioner for Human Rights, in conformity with her mandate established by the General Assembly in its resolution 48/141 of 20 December 1993, to continue to provide, at the request of States, advisory services for the prevention of torture and other cruel, inhuman or degrading treatment or punishment, including for the preparation of national reports to the Committee and for the establishment and operation of national preventive mechanisms, as well as technical assistance for the development, production and distribution of teaching material for this purpose;

31. *Takes note with appreciation* of the interim report of the Special Rapporteur,[10] and encourages the Special Rapporteur to continue to include in his recommendations proposals on the prevention and investigation of torture and other cruel, inhuman or degrading treatment or punishment, including its gender-based manifestations;

32. *Requests* the Special Rapporteur to continue to consider including in his report information on the follow-up by States to his recommendations, visits and communications, including progress made and problems encountered, and on other official contacts;

33. *Calls upon* all States to cooperate with and assist the Special Rapporteur in the performance of his task, to supply all necessary information requested by the Special Rapporteur, to fully and expeditiously respond to and follow up on his urgent appeals, to give serious consideration to responding favourably to requests by the Special Rapporteur to visit their countries and to enter into a constructive dialogue with the Special Rapporteur on requested visits to their countries as well as with respect to the follow-up to his recommendations;

34. *Stresses* the need for the continued regular exchange of views among the Committee, the Subcommittee, the Special Rapporteur and other relevant United Nations mechanisms and bodies, as well as for the pursuance of cooperation with relevant United Nations programmes, notably the United Nations crime prevention and criminal justice programme, with regional organizations and mechanisms, as appropriate, and with civil society organizations, including non-governmental organizations, with a view to enhancing further their effectiveness and cooperation on issues relating to the prevention and eradication of torture, inter alia, by improving their coordination;

35. *Recognizes* the global need for international assistance to victims of torture, stresses the importance of the work of the Board of Trustees of the United Nations Voluntary Fund for Victims of Torture, appeals to all States and organizations to contribute annually to the Fund, preferably with a substantial increase in the level of contributions, and encourages contributions to the Special Fund established by the Optional Protocol to help finance the implementation of the recommendations made by the Subcommittee as well as education programmes of the national preventive mechanisms;

[10] See A/66/268.

36. *Requests* the Secretary-General to continue to transmit to all States the appeals of the General Assembly for contributions to the Funds and to include the Funds on an annual basis among the programmes for which funds are pledged at the United Nations Pledging Conference for Development Activities;

37. *Also requests* the Secretary-General to submit to the Human Rights Council and to the General Assembly at its sixty-seventh session a report on the operations of the Funds;

38. *Further requests* the Secretary-General to ensure, within the overall budgetary framework of the United Nations, the provision of adequate staff and facilities for the bodies and mechanisms involved in preventing and combating torture and assisting victims of torture or other cruel, inhuman or degrading treatment or punishment, including, in particular, the Committee, the Subcommittee and the Special Rapporteur, commensurate with the strong support expressed by Member States for preventing and combating torture and assisting victims of torture, in order to enable them to discharge their mandates in a comprehensive, sustained and effective manner and taking fully into account the specific nature of their mandates;

39. *Calls upon* all States, the Office of the United Nations High Commissioner for Human Rights and other United Nations bodies and agencies, as well as relevant intergovernmental and civil society organizations, including non-governmental organizations, to commemorate, on 26 June, the United Nations International Day in Support of Victims of Torture;

40. *Decides* to consider at its sixty-seventh session the reports of the Secretary-General, including the report on the United Nations Voluntary Fund for Victims of Torture and the Special Fund established by the Optional Protocol, the report of the Committee against Torture and the interim report of the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment.

Draft resolution IV
Convention on the Rights of Persons with Disabilities and the Optional Protocol thereto

The General Assembly,

Recalling its previous relevant resolutions, the most recent of which was resolution 64/154 of 18 December 2009, as well as relevant resolutions of the Human Rights Council, the Commission for Social Development and the Commission on Human Rights,

Noting the request of the Committee on the Rights of Persons with Disabilities, contained in annex XVI to its report,[1] that the General Assembly authorize an extension of its meeting time,

Noting also that document and translation costs for the reports of States parties constitute the largest part of the budget for the Committee,

Noting further that while the Convention on the Rights of Persons with Disabilities[2] has enjoyed a very high level of ratification in a short time, the Committee currently meets for only two sessions of one week per year, and noting that, in particular cases, members of the Committee may require reasonable accommodation, as defined in the Convention,

1. *Welcomes* the fact that, since the opening for signature of the Convention on the Rights of Persons with Disabilities[2] and the Optional Protocol thereto[3] on 30 March 2007, one hundred and fifty-three States have signed and one hundred and six States have ratified the Convention and ninety States have signed and sixty-four States have ratified the Optional Protocol, and that one regional integration organization has ratified the Convention;

2. *Calls upon* those States that have not yet done so to consider signing and ratifying the Convention and the Optional Protocol as a matter of priority;

3. *Welcomes* the holding of the third and fourth sessions of the Conference of States Parties to the Convention and the work of the Committee on the Rights of Persons with Disabilities;

4. *Invites* States parties to adhere to the page limit established by the Committee for reports of States parties, and notes that this would reduce the operating costs of the Committee;

5. *Notes* the ongoing process of reform aimed at strengthening the treaty body system, including the report of the Secretary-General on measures to improve further the effectiveness, harmonization and reform of the treaty body system,[4] and invites the Committee, in the context of this strengthening process, to continue to enhance its working methods and efficiency, including by sharing good practices with other treaty bodies;

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[1] *Official Records of the General Assembly, Sixty-sixth Session, Supplement No. 55* (A/66/55).

[2] Resolution 61/106, annex I.

[3] Ibid., annex II.

[4] A/66/344.

6. *Decides* to authorize for the Committee an additional week of meeting time per year to be used consecutive to an existing regular session, bearing in mind the requirements of the Committee for reasonable accommodation, and without prejudice to the ongoing process of reform aimed at strengthening the treaty body system;

7. *Invites* the Chair of the Committee on the Rights of Persons with Disabilities to present an oral report on the work of the Committee and engage in an interactive dialogue with the General Assembly at its sixty-seventh and sixty-eighth sessions, under the item entitled "Promotion and protection of human rights", as a way to enhance communication between the Assembly and the Committee;

8. *Welcomes* the report of the Secretary-General[5] and the activities undertaken in support of the Convention;

9. *Encourages* the Inter-Agency Support Group on the Convention to continue its work to mainstream the Convention throughout the United Nations system through its Joint Strategy and Action Plan approved in 2010, and calls upon the Department of Economic and Social Affairs of the Secretariat and the Office of the United Nations High Commissioner for Human Rights to continue strengthening their cooperation in this regard;

10. *Invites* the Secretary-General to intensify efforts to assist States to become parties to the Convention and the Optional Protocol, including by providing assistance with a view to achieving universal adherence;

11. *Requests* the Secretary-General to continue the progressive implementation of standards and guidelines for the accessibility of facilities and services of the United Nations system, taking into account relevant provisions of the Convention, in particular when undertaking renovations, including interim arrangements;

12. *Also requests* the Secretary-General to take further actions to promote the rights of persons with disabilities in the United Nations system in accordance with the Convention, including the retention and recruitment of persons with disabilities;

13. *Requests* United Nations agencies and organizations, and invites intergovernmental and non-governmental organizations, to continue to strengthen efforts undertaken to disseminate accessible information on the Convention and the Optional Protocol, including to children and young people to promote their understanding, and to assist States parties in implementing their obligations under those instruments;

14. *Requests* the Secretary-General to submit to the General Assembly at its sixty-seventh session a report on the status of the Convention and the Optional Protocol, and the implementation of the present resolution.

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[5] A/66/121.